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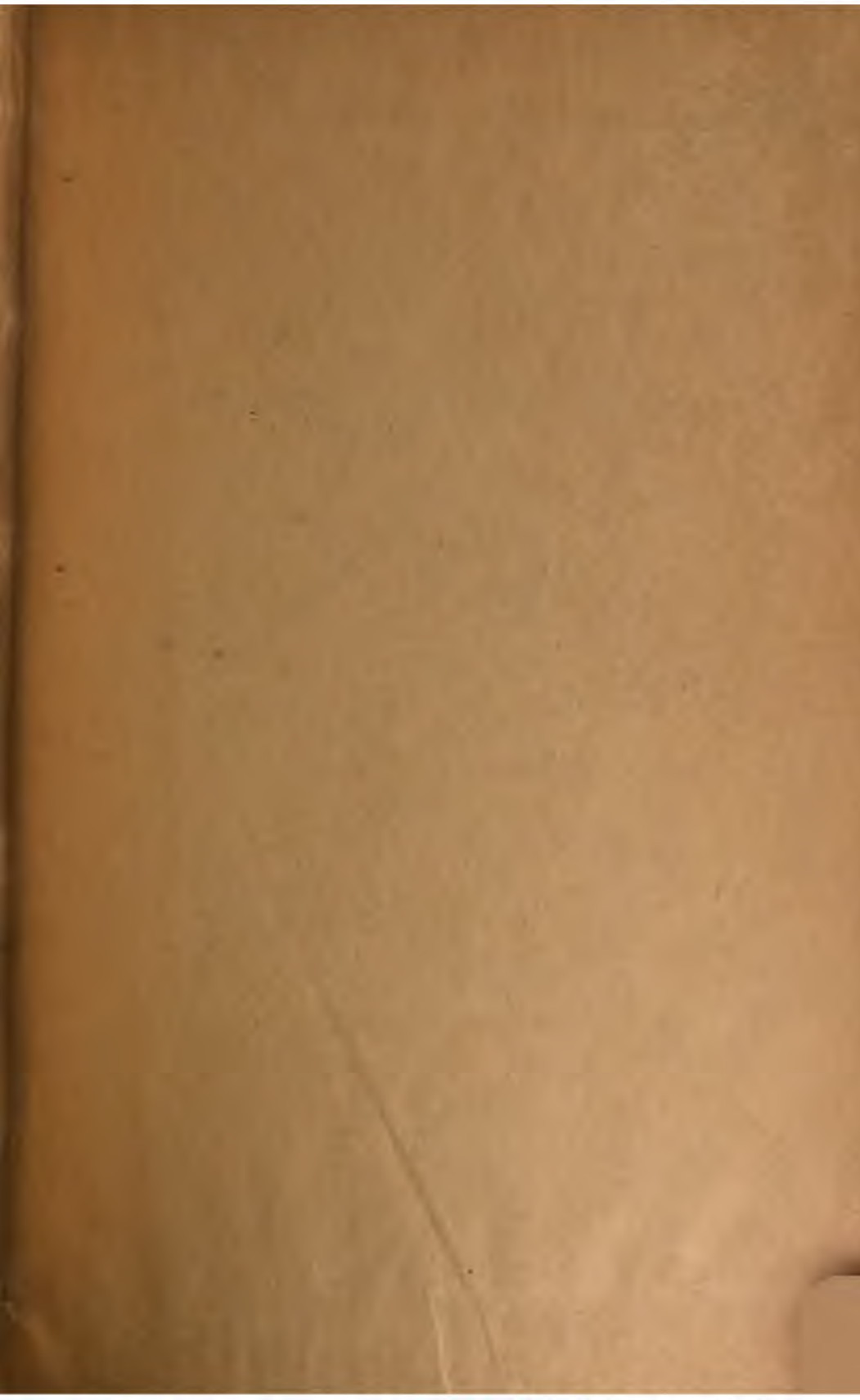
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Texas Legislative Compilations
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THE LAWS OF TEXAS

1822-1897

Austin's Colonization Law and Contract; Mexican Constitution of 1824; Federal Colonization Law; Colonization Laws of Coahuila and Texas; Colonization Law of State of Tamaulipas; Fredonian Declaration of Independence; Laws and Decrees, with Constitution of Coahuila and Texas; San Felipe Convention; Journals of the Consultation; Proceedings of the General Council; Goliad Declaration of Independence; Journals of the Convention at Washington; Ordinances and Decrees of the Consultation; Declaration of Independence; Constitution of the Republic; Laws, General and Special, of the Republic; Annexation Resolution of the United States; Ratification of the same by Texas; Constitution of the United States; Constitutions of the State of Texas, with all the Laws, General and Special, passed thereunder, including Ordinances, Decrees, and Resolutions, with the Constitution of the Confederate States and the Reconstruction Acts of Congress.

COMPILED AND ARRANGED BY
H. P. N. GAMMEL
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WITH AN INTRODUCTION BY C. W. RAINES.

VOLUME II.

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L A W S

OF THE

REPUBLIC OF TEXAS

PASSED THE

FIRST SESSION OF THIRD CONGRESS

1839

HOUSTON.

1839



LAWS, &C.

A JOINT RESOLUTION

Appropriating money for the protection of the Frontier.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of twenty thousand dollars be, and the same is hereby appropriated to the fitting out of two hundred and fifty men of the second brigade, Texas militia, (the number of men called for by Gen. Rusk) to quell the insurrection now existing among the Indians and Mexicans.

Sec. 2. Be it further resolved, That twenty thousand dollars be and the same is hereby appropriated for obtaining arms, ammunition, provisions and clothing, for the troops now under the command of General Thomas J. Rusk, upon our northern frontier.

Sec. 3. Be it further resolved, That General Thomas J. Rusk be and he is hereby authorized to draw upon the custom house collector of the San Augustine collectoral department, for the sum of ten thousand dollars forthwith.

Sec. 4. Be it further resolved, That from and immediately after the passage of the above and foregoing resolutions, that the Secretary of State be, and he is hereby required to forward a copy of the same to General Rusk, forthwith, by express, and that he draw upon the Treasury of the Republic of Texas, for a sufficient amount of money to defray the expenses of said express.

Sec. 5. Be it further resolved, That General Mosely Baker be authorised to demand and receive of the Honorable Secretary at War an order for any arms, ordnance, stores, or munitions of war, now in the Arsenal at this place, that he may deem necessary, to render his force as effective as possible.

JOHN M. HANSFORD,
Speaker of the House of Representatives.

S. H. EVERITT,
President pro tem. of the Senate.

Approved, November 7, 1838.

SAM HOUSTON.

A JOINT RESOLUTION

Authorising the President to draw funds for transporting Arms,
Munitions, Troops, &c.

Resolved by the Senate and House of Representatives of the
Republic of Texas in Congress assembled, That the President be,
and he is hereby authorised to draw upon the Treasury, for the
necessary funds to defray the expenses of transporting arms, am-
munition, troops, &c. &c. to the frontiers of Texas for their pro-
tection.

JOHN M. HANSFORD,
Speaker of the House of Representatives.

S. H. EVERITT,
President pro tem. of the Senate.

Approved, November 16, 1838.

SAM HOUSTON.

A JOINT RESOLUTION

Requiring the President to grant Commissions.

Resolved by the Senate and House of Representatives of the
Republic of Texas in Congress assembled, That the President be
requested to issue commissions to all military officers, who have
been duly elected in the various Brigades, from the rank of colonel
inclusive, with all officers entitled to a commission below that rank.

JOHN M. HANSFORD,
Speaker of the House of Representatives.

S. H. EVERITT,
President pro tem. of the Senate.

Approved, November 16, 1838.

SAM HOUSTON.

AN ACT

Authorising the President to issue the Promissory Notes of the
Government.

Be it enacted by the Senate and House of Representatives of
the Republic of Texas in Congress assembled, That the

President be, and he is hereby authorised and required to issue one hundred thousand dollars of the Promissory Notes of the Government, (authorised by act of Congress, bearing date, May the eighteenth, eighteen hundred and thirty-eight,) of which sum, twenty thousand dollars shall be paid out forthwith, agreeably to an act of the present Congress, making an appropriation for the fitting out of two hundred and fifty men, called for by Major General T. J. Rusk, from the second Brigade, Texas Militia; and the remaining eighty thousand, are hereby ordered to be placed in the hands of the Treasurer, subject exclusively to appropriations for the protection of the frontier.

Sec. 2. And be it further enacted, That the Treasurer be, and he is hereby authorised and required to pay the said appropriation of twenty thousand dollars, to the Pay Master of the first Regiment, second Brigade, Texas Militia, after he shall have given bonds and good security in the sum of eighty thousand dollars, as heretofore required by an act of this Congress.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
S. H. EVERITT,

President pro tem. of the Senate.

Approved, November 16, 1838.

SAM HOUSTON.

A JOINT RESOLUTION

Legalizing Commissions of Military Officers, &c.

Resolved, by the Senate and House of Representatives, of the Republic of Texas, in Congress assembled, That the faith of Congress is hereby solemnly pledged to remunerate the services of all citizens who may volunteer in defence of our exposed and suffering frontiers.

Be it further Resolved, That in the absence of regularly commissioned officers, the citizens are recommended to elect their own officers; and the faith of Congress is hereby pledged to ratify and legalize all such elections.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
S. H. EVERITT,

President pro tem. of the Senate.

Approved, November 16, 1838.

SAM HOUSTON.

AN ACT

Entitled an Act to authorize the Judge of the first Judicial District to hold a Special Term of the District Court in the County of San Augustine.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Judge of the first Judicial District be, and he is hereby authorized and required to hold a Special Term of the District Court in and for the County of San Augustine, on the first Monday in January eighteen hundred and thirty-nine, for the purpose of trying the prisoners now in the jail of said County, arrested and imprisoned upon the charge of High Treason.

Sec. 2. Be it further enacted, That the Judge of the District Court aforesaid be, and he is hereby authorized and required, to order the summoning of a Jury of Talesmen, by the proper Officer for the trial of said prisoners; Provided, that nothing in this act shall be so construed as to authorize the Judge of the District Court to force a trial of said prisoners, unless the Prosecuting Attorney on the part of the Republic shall be ready for the same.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, November 17, 1838.

SAM HOUSTON.

 JOINT RESOLUTION

Authorizing the President to renew the lease of the Capitol.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and he is hereby authorized and required, to renew the lease of the Capitol for the ensuing year, commencing at the expiration of the last year's lease, to wit: the twenty-fifth day of September, 1838; and that five thousand dollars be and are hereby appropriated for the same.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved.

SAM HOUSTON.

JOINT RESOLUTION

Requiring the Treasurer to pay certain Drafts therein named.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Treasurer of the Republic be, and he is hereby required, to pay out of any monies now in the Treasury, any and all drafts on the Civil and Contingent Funds, that may be presented to him for payment; And further Resolved, That the sum of fifty thousand dollars be, and the same is hereby appropriated, to defray in part the Civil List.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, December 5, 1838.

SAM HOUSTON.

AN ACT

Validating certain Acts therein named.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the official acts of the Second Auditor and Comptroller be declared as valid as if the act creating said officers had been previously perfected.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, December 5, 1838.

SAM HOUSTON.

AN ACT

Making appropriations for the Post-Office Department.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of twenty-five thousand dollars be, and the same is hereby appro-

priated, for the use of the Post-Office Department; and that the Post-Master General is hereby authorized to draw for the amount on the Secretary of the Treasury, out of any unappropriated money in the Treasury.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, December 13, 1838.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Requiring the Secretary of War to discharge certain Soldiers therein named.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all Officers and Soldiers now in the service, or on furlough, belonging to the first and second Regiment Permanent Volunteers be discharged, and the Secretary of War be authorized and required to discharge the same.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, December 16, 1838.

MIRABEAU B. LAMAR.

AN ACT

Appropriating Five Thousand Dollars for the Contingent Expenses of both Houses of Congress.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of five thousand dollars, or as much thereof as may be necessary,

be, and the same is hereby appropriated, to defray the Contingent Expenses of both Houses of Congress.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, December 16, 1838.

MIRABEAU B. LAMAR.

AN ACT

To amend an Act entitled "An Act amending the Judiciary Laws of the Republic;" approved December, 1837.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the fifth section of the "Act amending the Judiciary Laws of the Republic," approved December 18, 1837, be, and the same is hereby repealed.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
S. H. EVERITT,
President pro tem. of the Senate.

Approved, December 16, 1838.

MIRABEAU B. LAMAR.

AN ACT

To incorporate the town of Beaumont and town of Jasper.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the citizens of the town of Beaumont be, and are hereby declared a body politic and corporate, under the name and style of the corporation of the town of Beaumont, who shall have the power of suing and being sued, of pleading and being impleaded, and to hold and dispose of real and personal property within the limits of said corporation.

Sec. 2. Be it further enacted, That it shall be the duty of said citizens to elect eight Aldermen, a Presiding Officer or Mayor, a Treasurer and Secretary, who shall be selected by

them from their own body. That a Collector shall be elected by said citizens; the Treasurer and Collector being required to give satisfactory security, and make reports when required by the Mayor's warrant; that the Corporation shall elect one Constable, and the Mayor, when necessary to suppress riots and disturbances, shall have power to call out the posse for the purpose of restoring order.

Sec. 3. Be it further enacted, That the first election shall be held under the direction of the Chief Justice of Jefferson county, after having given ten days notice thereof, and annually afterwards by the Presiding Officer, at least ten days prior to the expiration of his term of Office, and that in case of death or resignation, the vacancy or vacancies shall be filled by new elections.

Sec. 4. Be it further enacted, That no person shall be eligible to hold an Office in said Corporation, or to vote for the members of said body, unless he shall be the owner of real estate in said town, and shall have acquired the rights of citizenship in conformity with the laws of this Republic.

Sec. 5. Be it further enacted, That it shall be the duty of the Aldermen, from time to time, to pass such rules and ordinances for the regulation of the police, and preservation of order within the Corporation limits, as may be necessary; to levy taxes for the removal of nuisances and keeping the streets in order and prescribing the penalties: Provided, however, that no tax shall be levied, unless by consent of two thirds of the Aldermen present, it being assessed according to the valuation of property, and when a meeting is called for this purpose, the object must be stated in the notice, and for the collection of which personal property alone shall be subject to be seized.

Sec. 6. Be it further enacted, That to guard against accidents by fire, the citizens shall be required to keep in readiness, hooks, ladders and buckets.

Sec. 7. Be it further enacted, That the said Aldermen shall have the power of establishing schools within the Corporation.

Sec. 8. Be it further enacted, That the rules and ordinances of said Corporation shall not be contrary to the constitution and laws of this Republic.

Sec. 9. Be it further enacted. That the town of Jasper be and the same is hereby incorporated, and shall have the pow-

ers and be governed by the rules that are hereby enacted for the incorporation and government of the town of Beaumont.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, December 16, 1838.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of Samuel B. Marshall.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Board of Land Commissioners for the county of Red River be, and they are hereby required to grant to Samuel B. Marshall a certificate for three hundred and twenty acres of land, to be located on any of the vacant lands of the Republic, not otherwise appropriated; which land shall be in full, for redeeming a captured child from the wild Indians.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, December 21, 1838.

MIRABEAU B. LAMAR.

AN ACT

To exempt from direct taxation, certain citizens of certain Counties.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the citizens of the counties of Gonzales, Victoria, Goliad, Refu-

gio, San Patricio and Bexar, now actually residing in those counties, and those citizens of said counties who have been carried captive by the enemy, and those citizens of said counties who have been compelled by the incursions of the Mexicans and Indians to abandon their homes be, and they are hereby exempted from direct taxation, from the date of the passage of the law to raise a revenue by direct taxation, up to the first of January, eighteen hundred and thirty-nine. Provided, That this law shall not exempt from taxation, more than one league and labor of land, belonging to the same individual, nor any other species of property.

Sec. 2. Be it further enacted, That this law shall not be so construed as to exempt from direct taxation any person or persons who are not actually residing in one of the before mentioned counties, widows and orphans excepted.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, December 21, 1838.

MIRABEAU B. LAMAR.

A BILL

Entitled an act to change a certain Post Route therein named.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the present Mail Route from the city of Houston to Nacogdoches, by way of Cincinnati, be so changed, that after leaving Cincinnati, it pass by the way of Mustang Prairie Post Office, thence to Crockett, Houston county, thence to intersect the present Route at Williams, on the Neches river.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, December 21, 1838.

MIRABEAU B. LAMAR.

AN ACT

To Incorporate the Neches Steam Mill Company.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Henry Millard, Christian Hillerbrant, Nathaniel Grigsby, David Garner, William D. Smith, Oliver H. Delano, Clark Beach, Thomas W. Chambers, Robert E. Booth, James Clark, Randolph C. Doom, Hezekiah Williams, sen. George A. Pattello, and Gilbert Stephenson, together with their successors and assigns be, and are hereby constituted a body politic and corporate, under the name and style of "The Neches Steam Mill Company," with power to sue and be sued, plead and be impleaded, answer and be answered unto, appear and prosecute to final judgment, in any court or elsewhere, to have a common seal, to elect in such manner as they may deem proper, all necessary officers, and to fix their compensation and define their duties, to establish by-laws for the regulation of their affairs, and the same to alter and repeal; and to employ all such agents, mechanics and other laborers, as they shall think proper.

Sec. 2. Be it further enacted, That the object of said Company shall be to operate by steam power or otherwise in Texas, a Saw-Mill, a Shingle-Mill, and Grist-Mill, and any machinery necessary in carrying on such other manufacturing or mechanical business, as they shall determine to prosecute: Also, to prepare materials and erect public and private buildings, stores and offices upon contract.

Sec. 3. Be it further enacted, That the capital stock of said Company, shall be twenty thousand dollars, actually paid in, with the privilege of increasing the same to fifty thousand dollars: Provided, however, That no additional stock shall be created during the first year of the Company's operations.

Sec. 4. Be it further enacted, That said Company, under their corporate name, shall have power to purchase, hold, occupy and enjoy to them and their successors, all such lands, tenements, hereditaments, and all such goods and chattels and effects of every kind, as shall be necessary for said Company.

Sec. 5. Be it further enacted, That the stock, property, affairs and business of said Company, shall be under the care

and managed by not less than three Directors, who shall be chosen annually by the Stockholders, at such times and place as shall be provided by the by-laws of said Company, and who shall be Stockholders, and shall hold their offices for one year, and until others shall be chosen in their stead.

Sec. 6. Be it further enacted, That the Directors of the Company shall choose one of their number to be President; they shall also choose a Secretary and Treasurer of said Company, and such other officers as the by-laws of said Company shall prescribe. They may call in future subscriptions to the capital stock of said Company by instalments, in such proportions and at such times and places as they shall think proper, by giving such notice thereof as the by-laws of said Company shall prescribe; and in case any Stockholder shall neglect or refuse payment of any such instalments, for the space of sixty days after the same shall become due and payable, and after he, she or they shall have been notified thereof, the stock of such negligent Stockholder, shall, by the Directors, be sold at public auction, giving at least thirty days notice thereof in some newspaper; and the proceeds of such sale shall be first applied in payment of the instalment called for, and the expenses attending it, and the balance shall be refunded to the owner thereof; and such sale shall in all respects entitle the purchaser to all the rights of a Stockholder, to the extent of the shares so bought.

Sec. 7. Be it further enacted, That a majority of the Directors of this Company, convened according to their by-laws, shall constitute a quorum for the transaction of business, and a majority of the Stockholders present at any legal meeting, and at all meetings of such Stockholders, each share shall entitle the holder thereof to one vote.

Sec. 8. Be it further enacted, That the Directors of said Company shall have power to fill any vacancy which may happen in their Board by death, resignation or otherwise, for the then current year.

Sec. 9. Be it further enacted, That the books containing the accounts of said Company shall at all reasonable times be opened for the inspection of any of the Stockholders, and as often as once in each year, a statement of the accounts of said Company, shall be made by order of the Directors.

Sec. 10. Be it further enacted, That the stock of this Company shall be deemed and considered personal property, and be transferred only on the books of said Company in such

form as the Directors of said Company shall prescribe; and said Company shall at all times have a lien upon all the stock or property of the members of said Company, invested therein for all debts due from them to said Company.

Sec. 11. Be it further enacted, That this act of incorporation shall be and continue in force, for the term of twenty years from and after its passage.

Sec. 12. Be it further enacted, That nothing in this act shall be so construed as to authorise banking privileges in any form whatever. And if the Company should in any way attempt banking operations, this Charter shall be forfeited.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNETT,
President of the Senate.

Approved, December 21, 1838.

MIRABEAU B. LAMAR.

AN ACT

“Entitled an act” to provide for the protection of the Northern and Western Frontier.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a regiment of men be, and the same is hereby created for the protection of the northern and western frontier, which regiment shall be composed of eight hundred and forty rank and file, to be divided into fifteen companies, consisting of fifty-six men each, and that there shall be attached to each company, one captain, one first lieutenant and one second lieutenant.

Sec. 2. Be it further enacted, That the term of service of said men shall be for three years, unless sooner discharged, who shall be allowed for their services the sum of sixteen dollars per month, and also a bounty of thirty dollars to each recruit, to be paid him at the time of his enlistment, and such further compensation as may be hereafter provided for in this bill.

Sec. 3. Be it further enacted, That the regiment shall be divided into eight detachments, and shall be stationed as fol-

lows: One detachment of fifty-six men, at or near Red river; one detachment of one hundred and sixty-eight men, at or near the Three Forks of the Trinity; one detachment of one hundred and twelve men, at or near the Brazos river; one detachment of one hundred and twelve men, at or near the Colorado river; one detachment of fifty-six men, at or near the river St. Marks; one detachment of fifty-six men, at or near the head waters of the Cibolo; one detachment of fifty-six men, at or near the Rio Frio; and one detachment of two hundred and twenty-four men, at or near the river Nueces: Provided, the President be and is hereby authorised to increase the force at the different ports, as may seem to him most proper.

Sec. 4. Be it further enacted, That the field officers of the regiment shall consist of a colonel, one lieutenant colonel and a major, who together with the officers of companies shall be appointed by the President, by and with the advice and consent of the Senate.

Sec. 5. Be it further enacted, That the regiment shall be divided into two battalions; the detachments west of the Colorado, shall constitute the first battalion, and the detachments east of said river, shall constitute the second battalion.

Sec. 6. Be it further enacted, That to each battalion there shall be one assistant quarter master, to be appointed by the colonel, and for the regiment, one pay master, and two commissaries of purchase, to be appointed by the President with the consent of the Senate; and the duties of the commissaries shall be to furnish for the use of the various posts, such requisitions as may from time to time be made by the colonel, lieutenant colonel or major, as the case may be.

Sec. 7. Be it further enacted, That a military road shall be laid off from, at or near the mouth of the Kiamishua Red river, to the river Nueces, at the intersection of the road from Bexar to the *Prisidio del Rio Grande*; for which purpose an engineer of experience shall be appointed by the President, whose duty it shall be, in conjunction with the colonel of the regiment thus created, to examine and mark and stake out said road over such ground, and to be run in such manner as the colonel and engineer may deem most judicious; which road is hereby declared to be a public highway, and shall be sufficiently cleared and bridged to admit the passage of waggons.

Sec. 8. Be it further enacted, That it shall be the duty of

the colonel to select such positions on the road as will be best calculated for the erection of forts, except the post on Red river, which post shall be at or near the upper settlements on said river, and for the defence and protection of the country, subject at all times to such instructions as they may receive from the President.

Sec. 9. Be it further enacted, That after the positions for forts and garrisons shall be designated, it shall be the duty of the Colonel to cause to be stationed at each of the positions designated in the third section, the detachment assigned for the protection of that particular section of country, and cause to be erected such fortifications as may be best calculated to protect and defend such station; in all cases using stone for the purpose, when the same can be obtained.

Sec. 10. Be it further enacted, That after said position shall be selected, it shall be the duty of the colonel to cause three leagues square of land to be laid off around each station, and to be surveyed into lots of one hundred and sixty acres each; two of which lots of one hundred and sixty acres, shall be reserved to Government, for purposes of fortification, farming, &c. one of which lots of one hundred and sixty acres shall be granted as bounty land to each of the soldiers composing the regiment, (priority of choice to be decided by lot.) who shall have complied faithfully with the terms of their enlistment, and the remainder in lots of one hundred and sixty acres each, shall be given in fee simple, free of expense, to such able bodied citizens as shall actually settle upon and cultivate the same for the space of two years: Provided, that said land shall not be liable to be sold or transferred, either by voluntary or forced sale, for the term of five years next succeeding the period when the same was acquired.

Sec. 11. Be it further enacted, That it shall be the duty of the colonel to set apart out of the three hundred and twenty acres heretofore appropriated to the uses of the Government, a lot of ground to be cultivated by the garrison, in the proportion of three acres to each soldier; which ground shall be planted and cultivated in such manner as may best conduce to the support and sustenance of the garrison or post.

Sec. 12. Be it further enacted, That it shall be the duty of the Colonel, so to dispose of the several detachments, as that the space between each station, shall be traversed twice a day, if the same be practicable, by such number of men as

the commanding officer of the garrison or post, may from time to time designate.

Sec. 13. Be it further enacted, That all spoil, (not the property of citizens,) captured from an Indian enemy, shall be divided by the field officers of the regiment, equally amongst the captors, without regard to rank, and the property of citizens, on identification, shall be restored to the owners.

Sec. 14. Be it further enacted, That the troops already enlisted, under an act of the last session of Congress, approved, May fifteenth, one thousand eight hundred and thirty-eight, for the protection of the frontier, shall be deemed part of the regiment created by this act, and shall be forthwith equipped and sent to the post on the river Nueces; which post shall receive its full complement of men from those first enlisted in the service.

Sec. 15. Be it further enacted, That it shall be the duty of the colonel of the regiment, to cause at convenient intervals, the detachment on the Nueces, to traverse the country between the Nueces and Rio Grande, in such manner as shall give most protection and security to that section of the country.

Sec. 16. Be it further enacted, That it shall be the duty of the President, so soon as he shall deem it expedient, to cause trading houses to be established at or near such of the foregoing post, as will best conduce to the maintaining of amicable relations with the various Indian tribes, under such rules and regulations as he may prescribe: Provided, however, that this section shall not be so construed as to authorise any person or persons, trader or traders, to vend ardent spirits, arms or munitions of war, by wholesale or retail, at or within ten miles of such trading houses, as may be established under the provisions of this section, except by special leave of the President.

Sec. 17. Be it further enacted, That as soon as the officers herein created have been appointed by the President, with the advice and consent of the Senate, it shall be the duty of the President to assign to each officer, his separate station, who shall immediately commence recruiting for his station.

Sec. 18. Be it further enacted, That any one of the cavalry furnishing his own horse, shall be entitled to have him appraised by two sworn appraisers, to be appointed by a field officer of either battalion, and shall receive from the Government whatever price he may be appraised at: Provided, That

such appraisement does not exceed one hundred and fifty dollars; and field officers are hereby authorised to administer the necessary oath to the appraisers.

Sec. 19. Be it further enacted, That it is hereby made the duty of the President to appoint to each post all such necessary officers as are not herein provided for, agreeably to the laws now existing on such subject.

Sec. 20. Be it further enacted, That for the purpose of carrying into effect the provisions of this bill, the sum of three hundred thousand dollars be, and the same is hereby appropriated; and it is hereby made the duty of the President to cause to be issued forthwith the promissory notes of the Government to that amount, and the amount when so issued, to be placed in the treasury of the Republic, to be drawn on the requisition of the paymaster, commissaries, or either of them; such requisitions, in all cases, being approved and countersigned by the colonel, lieutenant colonel or major, as the case may be.

Sec. 21. Be it further enacted, That the paymaster, before entering upon the duties of his office, shall be required to give bond and good personal security, for the faithful performance thereof, in the sum of fifty thousand dollars, which bond shall be made payable to the President of the Republic of Texas and his successors in office.

Sec. 22. Be it further enacted, That commissaries of purchases who may be appointed under the authority of this act, shall before entering upon the discharge of their duty give each a bond and good personal security, in the penal sum of fifty thousand dollars, to be payable to the President of the Republic and his successors in office, conditioned for the faithful performance of the duties assigned them.

Sec. 23. Be it further enacted, That should the three leagues square of land, at each of the posts above referred to, or any portion of the same be found to be individual property, then and in that case, it shall be lawful for the said colonel and engineer to petition the judge of the judicial district, in which such land may be situated, giving a description of the lands, with the names of the proprietors, if they can be ascertained, and the said judge shall then cause six disinterested freeholders to be summoned, who after being duly sworn shall make a report of the value of the land so required, which said report with the proceedings on the same shall be filed in the

office of the district court, in the county in which such trial may be had, and it shall be the duty of said judge to decree said land to be the property of the Republic of Texas, and said judge shall also decree the price of said land so reported to be paid to the owner or owners of said land by the Republic of Texas; and a certified copy of said decree of the judge shall be sufficient to authorise the party interested to demand and receive the said sum of money from the treasury of the Republic of Texas, unless the party owner of the land so adjudicated should prefer receiving a like quantity of land in exchange; in which case he may make his election to do so, and thereupon shall be entitled to a certificate for an equal quantity of land, to be located on any of the vacant lands in the Republic: Provided, however, that if the owner of the land be an absentee, thirty days notice of the day of appointment shall be given by said judge in the newspapers printed in his district, or if none are so printed, then in the nearest newspaper, requiring the owner or owners of said land to appear at the place of appointment, if they see proper; but if the owner be a citizen resident in Texas, then a notice of the proceeding about to be had, as well as the time and place of meeting of the appraisers, shall be served on him personally, or left at his usual place of residence, at least twenty days before the time of meeting: And provided, also, That the district judge shall in all cases cause the appraisement to be made in that county where the land is situated.

Sec. 24. Be it further enacted, That the President shall have power to make cavalry of as many of the eight hundred and forty men herein authorised to be raised, as in his opinion the public exigencies may demand, and to distribute them among the different stations, in such manner as he thinks best for the protection of the frontier.

Sec. 25. Be it further enacted, That the foregoing act shall commence and go into operation, from and after the twentieth day of December, one thousand eight hundred and thirty-eight, and not before.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, December 21, 1838.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of Antonio Manchaca.

Sec. 1. Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be, and is hereby granted to Antonio Manchaca, in compensation of the injuries inflicted upon him, in consequence of his adherence to the cause of Texas' independence, some one of the houses and lots in the city of San Antonio, which may be confiscated to the public use, in virtue and under the provisions of any law or laws of this Republic.

Sec. 2. Be it further resolved, That to enable Antonio Manchaca to avail himself of the benefits of these resolutions at as early a period as practicable, he shall be and is hereby permitted to retain possession of the house and lot in the city of San Antonio, which he now holds and occupies, until such time as the cases of confiscation shall be adjudicated by the tribunals of the country, at which time, should that house and lot be confiscated to the public use, he shall receive from the Government a complete title to them, and in case they should not be confiscated, he shall then be allowed to take some house and lot, which shall have been confiscated. Provided, That nothing herein contained shall be construed to exempt Antonio Manchaca from, or to subject the Government to any legal liability to the owner of the house herein designated, should the same not be confiscated.

Sec. 3. Be it further resolved, That the chief justice of the county be, and he is hereby required to Antonio Manchaca, a certificate of occupancy and possession to the house and lot herein designated, which certificate shall secure to him the undisturbed and unmolested possession and occupancy of the same, until such time as is prescribed in the preceding resolution.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, December 22, 1838.

MIRABEAU B. LAMAR.

AN ACT

To incorporate the towns of Milam and Zavala.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That so much of a joint resolution to incorporate certain towns therein named, approved December twenty-ninth, one thousand eight hundred and thirty-seven, as relates to the town of Milam be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That the citizens of the town of Milam in the county of Sabine be, and they are hereby declared a body politic and corporate, by the name and title of "The Corporation of the town of Milam;" and by that name may sue and be sued, plead and be impleaded, and may hold and dispose of real and personal estate in said town.

Sec. 3. Be it further enacted, That the limits of said town incorporated by this act, shall extend eight hundred and forty English yards, from either side of the public square.

Sec. 4. Be it further enacted, That an election shall be held in said town, on the first Monday in January, in each year, for Mayor and four Aldermen; and the persons so elected, shall continue in office one year, or until their successors are qualified. The Mayor so elected shall be commissioned by the chief justice of the county of Sabine, and shall have all the powers of an ordinary justice of the peace in all matters and causes arising under the criminal laws of the country, and shall be authorised and empowered to enforce and carry into effect such by-laws and ordinances as the corporation of said town shall from time to time ordain for the regulation of the police thereof.

Sec. 5. Be it further enacted, That no person shall be eligible to any of said offices, or vote, who is not a citizen of this Republic and a freeholder or a house holder in said town.

Sec. 6. Be it further enacted, That the Mayor shall be President of the Board of Aldermen, who, together with any two Aldermen, shall constitute a quorum for the transaction of business, and said board may enact such by-laws for the government of said town, not inconsistent with the constitution and laws of this Republic, as may be deemed proper,

and may inflict such fines, not exceeding one hundred dollars, as may be considered necessary.

Sec. 7. Be it further enacted, That the Board of Aldermen shall have entire control over the streets of said town, may order new streets to be laid out and old ones discontinued, at their discretion: Provided however, That no new streets be opened nor old ones discontinued, except by the unanimous consent of the Board, and the Board in all such acts shall be governed by the law of the land relative to roads and highways.

Sec. 8. Be it further enacted, That all free males between the ages of eighteen and forty-five years, and all male slaves between the ages of sixteen and sixty years shall be liable to work on the streets, that such persons shall not be compelled to work more than ten days in any one year, and they shall be exempt from other road duty. The Board may impose such fines upon defaulters as they may think necessary, in which they shall be governed by the law of the land.

Sec. 9. Be it further enacted, That the Board of Aldermen shall have power to levy a tax on all persons and property, real and personal, in said town: Provided, however, That the tax on real estate shall not exceed, in any one year, twelve per cent. ad valorem, and no tax shall be levied on such estate, except by two thirds of the Aldermen present, and it shall be levied at the beginning of each year, and be assessed and collected by an officer appointed by the Board in the same manner as the State tax is collected; and the Board shall have the power to levy and collect a tax on all taverns, tipling houses, billiard tables and shows in said town.

Sec. 10. Be it further enacted, That all the public property in said town, shall belong to said corporation, and the Board of Aldermen may dispose of it in such manner as the best interest of said town may require.

Sec. 11. Be it further enacted, That all offences against the by-laws be prosecuted before the Mayor, in a summary manner; an execution may issue returnable forthwith, and the constable shall execute all writs directed to him by the Mayor.

Sec. 12. Be it further enacted, That the constable and treasurer, shall be appointed by the Mayor, and shall give bond and security, payable to the Mayor and Aldermen and their successors in office, in the sum of three thousand dollars, conditioned for the faithful performance of their duties, and

said constable shall have the same power, and be entitled to the same fees of office as other constables.

Sec. 13. Be it further enacted, That the chief justice of Sabine county, shall issue writs of election for the Mayor and Aldermen, to be held on the first Monday in January, one thousand eight hundred and thirty-nine, and the Mayor and two Aldermen, shall on the first Monday of each and every year, hold said election forever afterwards.

Sec. 14. Be it further enacted, That the citizens of the town of Zavala, Jasper county be, and they are hereby declared a body corporate, with the same powers and privileges, as this act confers on the citizens of the town of Milam:

JOHN M. HANSFORD,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate

Approved, December 24, 1838.

MIRABEAU B. LAMAR

AN ACT

To establish a Mail Route from the City of Houston to the town of San Augustine, by the way of Captain Hiram's, on the Trinity River, Belt's Ferry on the River Neches, and Nathaniel Hunt's, on the Ayish Bayou.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Post Master General of this Republic be, and he is hereby authorized and required, to establish a Mail Route from the city of Houston to the town of San Augustine, by the way of Capt. Hiram's, on Trinity River; Belt's, on the Neches River; B. W. Harvey's, on the Angelina River; and Nathaniel Hunt's, on Ayish Bayou; and contract immediately for the transportation of the Mail over said Route once every seven days.

Sec. 2. Be it further enacted, That the Post Master General establish a Post Route from Jasper to Belgrade, to be carried once every two weeks.

JOHN M. HANSFORD,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved, December 24, 1838.

MIRABEAU B. LAMAR.

AN ACT

Entitled "An Act to amend an Act to provide for the settlement of deceased Soldiers' Estates," approved May 18, 1838.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the above recited Act shall not be so construed as to apply to the duty of any administrator upon the estate of any deceased Citizen Soldier who was a citizen of Texas, in the full exercise of his rights as such at the time of his death.

Sec. 2. Be it further enacted, That the certificate of the Judge or Clerk of Probate before whom administration shall have or may hereafter be commenced, shall be evidence to all whom it may concern, any law to the contrary notwithstanding.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, December 24, 1838.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

For the Relief of John Garrett.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the 2d Auditor be. and he is hereby authorized, to audit the claims of Captain John Garrett, to the amount of one thousand nine hundred and sixty-three dollars and fifty cents, in the promissory notes of the government; and the 1st Auditor is hereby further authorized to audit the claims of the said Captain John Garrett for ten months' service as Captain of Infantry.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, December 24, 1838.

MIRABEAU B. LAMAR.

AN ACT

To incorporate the Bastrop Steam Mill Company.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Henry Crocheron, R. S. Reding, R. B. Craft, W. P. Hill and Robert G. Green, together with their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate under the name and style of the "Bastrop Steam Mill Company," with power to sue and be sued, plead and be impleaded, answer and be answered unto, appear and prosecute to final judgment in any court, or elsewhere, to have a common seal, and the same to alter at pleasure; to elect, in such manner as they shall determine, all necessary officers, and fix their compensations and define their duties; to ordain and establish by-laws for the government and regulation of their affairs; and the same to alter and repeal, and to employ all such agents, mechanics, laborers and servants, as they shall think proper.

Sec. 2. Be it further enacted, That the object of the said company shall be to operate, by steam power or otherwise, in Texas, a saw mill, a grist mill, a planeing mill, a lath and shingle mill, and any machinery necessary in carrying on such other manufacturing or mechanical business as they shall determine to prosecute; also, to prepare materials, and erect public and private buildings, stores and offices, upon contract.

Sec. 3. Be it further enacted, That the capital stock of said company shall be ten thousand dollars actually paid in, with the privilege of increasing the same to twenty-five thousand dollars.

Sec. 4. Be it further enacted, That said company shall have power to purchase, take, hold, occupy, and enjoy, to them and their successors, all such lands, tenements and hereditaments, and all such goods, chattels and effects, of every kind, as shall be necessary for the purpose of said company.

Sec. 5. Be it further enacted, That the stock, property, affairs and business of this company shall be under the care, and managed by not less than five directors, who shall be chosen annually by the stockholders, at such times and places as shall be provided by the by-laws of said company, and

who shall be stockholders, and shall hold their offices for one year, and until others shall be chosen in their stead.

Sec. 6. Be it further enacted, That the directors of this company shall choose one of their number to be President, and shall also choose a Secretary and Treasurer of said company, and such other officers as the by-laws of the company shall prescribe; they may call in future and present subscriptions to the capital stock of said company by instalments in such proportions, and at such times and places as they shall think proper, by giving such notice thereof as the by-laws of said company shall prescribe. And in case any stockholder shall neglect or refuse payment of any such instalment, for the space of twenty days after the same shall become due and payable, and after he, she, or they shall be notified thereof by public advertisement, in the town of Bastrop, the stock of such defaulting stockholder shall, by the directors, be sold at public auction, giving at least thirty days notice thereof; and the proceeds of such sale shall be first applied in payment of the instalment called for, and all other dues to the company and the expenses attending such sale, and the balance shall be refunded to the owner thereof; and such sale shall, in all respects, entitle the purchaser to all the rights of a stockholder, to the extent of the shares so bought.

Sec. 7. Be it further enacted, That a majority of the directors of this company, convened according to their by-laws, shall constitute a quorum for the transaction of business; and a majority of the stockholders present at any legal meeting, and at all meetings of such stockholders, each share shall entitle the stockholder to one vote, as far as ten shares, and no more.

Sec. 8. Be it further enacted, That the directors of said company, shall have power to fill any vacancy which may happen in their board, by death, resignation or otherwise, for the current year.

Sec. 9. Be it further enacted, That the books containing the accounts of said company shall at all reasonable times be open for the inspection of any of the stockholders, and as often as once in each year, a statement of the accounts of said company, shall be made by order of the directors.

Sec. 10. Be it further enacted, That the stock of said company shall be deemed and considered personal property, and be transferable only on the books of said company, in such form as the directors of said company shall prescribe, and

said company shall at all times have a lien upon all the stock or property of the members of said company invested therein, for all debts due from them to said company.

Sec. 11. Be it further enacted, That this act of incorporation shall be and continue in force, for the term of thirty years from and after the passage thereof.

Sec. 12. Be it further enacted, That nothing in this act shall be so construed, as to authorise banking privileges in any form whatever; and if the company should in any way attempt banking operations, this charter shall be forfeited.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, December 24, 1838.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act to amend an ordinance entitled an ordinance, granting bounties of land to volunteers.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That soldiers' claims or bounty lands may be located, in manner and form as prescribed in the 21st section of an act, entitled an act to reduce into one act and to amend the several acts relating to the establishment of a general land office, and all surveys of such claims, or bounty lands, which have been made in accordance with the provisions of said 21st section of the general land law, shall be and are hereby declared legal and valid: Provided, That in no case shall the holder of land scrip, be permitted to lay one claim in more than one place.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, December 24, 1838.

MIRABEAU B. LAMAR.

AN ACT

Defining the place for the receipt of Land Dues.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all persons indebted to the Government on account of land, be authorised to pay the same, either to the secretary of the treasury or to the president of the board of land commissioners, in the county in which said land may be situated, and to receive a receipt for the same.

JOHN M. HANSFORD,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved, December 24, 1838.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

For the Relief of John W. Eldredge.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Second Auditor, audit the claim of J. W. Eldredge, for the time he actually served as Clerk in the Navy Department which S. R. Fisher, had charge of said Department.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
S. H. EVERITT,

President pro tem. of the Senate.

Approved, December 24, 1838.

MIRABEAU B. LAMAR.

AN ACT

Entitled an Act for the further Protection of the Frontier against the Comanche and other Indians.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That

the President be, and he is hereby authorized to accept of the services of eight Companies of Mounted Volunteers, to consist of one Captain, one First and one Second Lieutenant, three Sergeants, and fifty-three Privates, each for the term of six months, to be placed on the same footing as regards monthly pay as Mounted Riflemen in the Ranging Service, agreeably to an Act passed December the tenth, one thousand eight hundred and thirty-six.

Sec. 2. Be it further enacted, That the said Companies shall constitute one Regiment, to be commanded by one Colonel, one Lieutenant Colonel, and one Major, to be appointed by the President.

Sec. 3. Be it further enacted, That for the purpose of carrying into effect the provisions of this Act, the sum of seventy-five thousand dollars is hereby appropriated, and the President is authorized to issue of the promissory notes of the Government such an amount as will be required for immediate purposes.

Sec. 4. Be it further enacted, That the President shall have power to use the troops contemplated in this Act offensively or defensively, as in his opinion the interest of the country may require

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, December 29, 1838.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

For the relief of H. A. Alsbury.

Resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Auditor be and he is hereby authorized and required to audit the claims of H. A. Alsbury, allowing him the pay and rations of Major of Infantry, for the term of sixty-three days, (deducting twenty dollars already paid,) which shall be in full for his services as Interpreter for the post of Bexar, in the year one thousand eight hundred and thirty-five and thirty-six.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, December 29, 1838.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

For the Relief of R. R. Royall.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the 2d Auditor be, and he is hereby required, to audit the claims of R. R. Royall, to the amount of four hundred and forty-eight dollars.

JOHN M. HANSFORD,
Speaker of the House of Representatives.

S. H. EVERITT,
President pro tem. of the Senate.

Approved, December 29, 1838.

MIRABEAU B. LAMAR.

AN ACT

Entitled an Act for the Protection of a portion of the Frontier.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of five thousand dollars be, and the same is hereby appropriated for the purpose of raising and supporting a Company of fifty-six Rangers for three months, to be commanded by Captain John Wortham, whose duty it shall be to range on the frontier of Houston, or any frontier Counties, and to protect the settlements; which said sum shall be at the disposition of the President.

Sec. 2. Be it further enacted, That it shall be the duty of the Captain of the Company herein created, to report at least every two weeks to Brigadier General K. H. Douglass, and keep him advised of his movements.

JOHN M. HANSFORD,
Speaker of the House of Representatives.

S. H. EVERITT,
President pro tem. of the Senate.

Approved, January 1, 1839.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

For the relief of Wm. P. Miller.

Be it Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the 1st and 2d Auditors be, and they are hereby authorized and directed to audit the claims of Colonel Wm. P. Miller, upon his producing proper vouchers.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
S. H. EVERITT,
President pro tem. of the Senate.

Approved, January 1, 1839.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

For the relief of H. Sanderson.

Be it Resolved, by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the 2d Auditor be, and he is hereby authorized to admit to audit the claims of H. Sanderson, on account of Naval Supplies, to the amount of ten thousand four hundred and fifty-five dollars, eighty-seven cents; and the Secretary of the Treasury is hereby authorized to issue the Promissory Notes of the Government to that amount, and he is hereby directed to pay the same.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
S. H. EVERITT,
President pro tem. of the Senate.

Approved, January 1, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an Act to authorize the 1st Auditor to audit the Claims created under the command of Major General Thomas J. Rusk and others, in a Campaign against the hostile Mexicans and Indians, in the year one thousand eight hundred and thirty-eight.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the 1st Auditor be, and he is hereby authorized and required, to audit the claims created against this Republic by the campaign against the hostile Mexicans and Indians. under the command of Major General Thomas J. Rusk, Major H. W. Augustine, Colonel L. H. Mabbitt, and Colonel W. H. Landrum, in the same manner that other claims are audited for similar services rendered this Government.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, January 1, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of R. R. Royall.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the 1st Auditor be, and he is hereby required to audit the claims of R. R. Royall, to the amount of three thousand two hundred and sixty-nine dollars, Provided said Royall file with the auditor a receipt in full of all claims against the Government.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, January 3, 1839.

MIRABEAU B. LAMAR.

AN ACT

To Incorporate the Town of Raleigh, in Fannin County.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the town of Raleigh, in Fannin County, be incorporated with the same powers and privileges which are granted and conferred by "An Act to incorporate the town of Nacogdoches, and other towns therein named;" passed the thirty-first day of May, Anno Domini one thousand eight hundred and thirty-seven, and on the town of San Augustine, by an Act passed the second of November, one thousand eight hundred and thirty-seven.

JOHN M. HANSFORD,
Speaker of the House of Representatives.

S. H. EVERITT,
President pro tem. of the Senate.

Approved, January 4, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of Elijah Deckrow.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the 1st Auditor be, and he is hereby authorized, to examine the account of Elijah Deckrow, and to audit the same, if proper vouchers are produced, for the sum of four thousand nine hundred and eighty-five dollars.

JOHN M. HANSFORD,
Speaker of the House of Representatives.

S. H. EVERITT,
President pro tem. of the Senate.

Approved, January 4, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an Act to extend to late Emigrants, or those who may emigrate within a specified time, a donation of Land.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That every person who emigrated to this Republic since the first day of October, Anno Domini one thousand eight hundred and thirty-seven, or who may emigrate to this Republic by the first day of January, one thousand eight hundred and forty, who is a free white person, and the head of a family, and who actually resides within the Government with his or her family, shall be entitled to a conditional grant of six hundred and forty acres of land, by paying the fees of office and surveying. The Conditions of the said grant shall be, that both grantee, and his or her family, shall remain and reside permanently within this Republic, and do and perform any and all duties required of other citizens, for the term of three years; after which time he, or his legal representatives, shall receive from the Government an unconditional Deed for said grant of land; Provided, that no sale of said claim to land by the individual entitled to the same of this Government shall be valid in law, and binding upon the person selling the same, until an unconditional Deed shall be obtained by the grantee for said land; and in no case whatever shall a grant of that description be made unless it be satisfactorily proven that all the conditions and provisions of the law have been complied with. And all single free white male persons, of the age of seventeen and upwards, who have emigrated to this Republic since the first day of October, one thousand eight hundred and thirty-seven, or who may emigrate to this Republic by the first day of January, one thousand eight hundred and forty, shall be entitled to three hundred and twenty acres of land; and all laws and parts of laws contrary to the meaning and provisions of this act are hereby repealed.

Sec. 2. And be it further enacted, That all permanent resident citizens of Texas who have or may arrive to the age required of emigrants by the above section of this act, shall be entitled to the same quantity of land as emigrants upon the same conditions that emigrants are.

Sec. 3. And be it further enacted, That all officers and soldiers who engaged in the service of Texas previous to the first of March, one thousand eight hundred and thirty-seven, whose families are now here, or who may arrive here by the first day

of January, one thousand eight hundred and forty, shall be entitled to the same quantity of land that they would have been if their families had emigrated to the country with them.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
S. H. EVERITT,
President pro tem. of the Senate.

Approved, January 4, 1838.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act "to have the Seat of Justice of Fannin County permanently located."

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That an election shall be held on the first Monday in March next, (one thousand eight hundred and thirty-nine,) to be ordered by the chief justice of Fannin county for three commissioners, who, when elected, shall be fully authorised and empowered to locate the seat of justice of Fannin county permanently, and to do all acts and things necessary to be done in order to locate the same.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 10, 1839.

MIRABEAU B. LAMAR.

AN ACT

Explanatory of a joint resolution for the relief of Colonel W. P. Miller.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Colonel W. P.

Miller be entitled to the pay and perquisites of Colonel, until the eighteenth day of December, one thousand eight hundred and thirty-seven, from the date of his commission as such.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 9, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

Granting to the Quarter Master General or the Secretary of War, equity jurisdiction in the case of G. W. Browning.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Quarter Master General or Secretary of War be required to receive the accounts of G. W. Browning, and to exercise equity jurisdiction in reference thereto.

Sec. 2. Be it further resolved, That the Auditor and Comptroller respect the decision of the Quarter Master General or Secretary of War, in reference to the accounts and pay of said G. W. Browning.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 10, 1839.

MIRABEAU B. LAMAR.

AN ACT

To change the name of John Finley Callier to John Finley Roberts.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the

name of John Finley Callier be, and the same is hereby changed to that of John Finley Roberts, and that he hereafter bear the name of John Finley Roberts.

Sec. 2. Be it further enacted, That John S. Roberts be, and he is hereby authorised and allowed to adopt said John Finley Roberts as his son, and divide or bequeath to him an equal portion of his property, with the heir or heirs by him begotten.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 10, 1839.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Creating certain Post Routes therein named.

Sec. 1. Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Post Master General be, and he is hereby instructed to establish from and after the first of January next, a weekly mail between Texana and San Antonio, and so to arrange it, as that it shall leave Texana each and every week, immediately after the arrival of the mail from Houston at Texana.

Sec. 2. Be it further resolved, That the Post Master General be, and he is hereby authorised to contract for a mail route from Victoria to Live Oak Point, once a week.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 10, 1839.

MIRABEAU B. LAMAR.

AN ACT

Confirming the contract of Messrs. Williams and Burnley for the purchase of a Steam Vessel.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the contract entered into between Samuel M. Williams and James Burnley, Agents of the Republic of Texas, on the part of the Republic, and James Hamilton, owner of the steam vessel Charleston, for the purchase of said boat, at and for the price of one hundred and twenty thousand dollars, be and the same is hereby ratified and confirmed.

Sec. 2. Be it further enacted, That the said James Hamilton shall have the election to demand and receive the whole, sum of one hundred and twenty thousand dollars aforesaid or any part thereof, in land of the Government, at such price as Congress may hereafter establish, to be located on any of the vacant lands of the Republic, in place of the bonds executed by the aforesaid Williams and Burnley, payable five years after date: Provided, such lands shall not be located in tracts less than one league, in accordance with the laws now in force.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 10, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the Punishment of Vagrants.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the first day of March, eighteen hundred and thirty-nine, it shall be the duty of all justices of the peace and other civil officers, to arrest all vagrants and idle persons living within their res-

pective jurisdictions, and to examine into their mode and manner of living, and where no visible means can be found sufficient for the support of such individuals, or where no proper exertions are made by the party defendant to obtain an honest livelihood, they shall be adjudged to work for the public, thirty days for the first offence, sixty days for the second, and one year for the third offence, or receive thirty-nine lashes on his bare back.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 10, 1839.

MIRABEAU B. LAMAR.

AN ACT

To repeal an act entitled an act "to encourage Steam Navigation."

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That an act to encourage steam navigation, (approved December eighteenth eighteen hundred and thirty-seven,) be and the same is hereby repealed; and that in future all steam packets or freight vessels propelled by steam shall pay the same tonnage and other port charges as other vessels do.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 10, 1839.

MIRABEAU B. LAMAR.

AN ACT

For the better defining the Dividing Line between the Counties of Austin and Fort Bend, West of the Brazos.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the dividing line

between the counties of Austin and Fort Bend, west of the Brazos, shall be the Sixteen Mile Creek; and from the source of said creek, to the south east corner of Gabriel Cole's land, and where the said Gabriel Cole now lives, it being a part of the league originally granted to Charles Baird, thence with the lower line of said land to the Bernard river; and all laws conflicting with the provisions of this act be, and the same are hereby repealed.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 10, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act "for the relief of certain Orphan Children therein named."

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the board of land commissioners in and for the county of Shelby be, and they are hereby authorized and required to issue a certificate for twelve hundred and eighty acres of land to Mary Manning, Ann Manning, Richard P. Manning, Elizabeth Manning and Francis Manning, the legitimate heirs of Doctor Joseph Manning and Elizabeth E. Manning, deceased; which shall be located and surveyed as pointed out in the land law now in force, and the commissioner of the general land office shall issue a patent for said land when surveyed as provided by the law aforesaid.

Sec. 2. Be it further enacted, That the dues to Government shall not be required to said land as required on other land claims; neither shall the guardian of said children, or any other person be allowed to sell or dispose of said land or any part of the same, until the youngest child becomes of age, when it shall be equally divided among said children, accor-

ding to quantity and quality, any law to the contrary notwithstanding.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 10, 1839.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

For the relief of the heirs of Col. William Ward and Robert Collins.

Sec. 1. Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the second auditor is hereby authorised to audit for the heirs of Colonel William Ward or their legal representative, the sum of five thousand six hundred dollars, for expenditures paid by Col. Ward in raising, equipping and bringing troops to Texas, in eighteen hundred and thirty-six.

Sec. 2. Be it further resolved, That the second auditor is hereby directed to audit the accounts of Robert Collins, for the amount of twenty-nine hundred and twenty-six dollars; and the Secretary of the Treasury is hereby directed to pay the same to the Hon. B. C. Franklin, agent for Robert Collins, and that both amounts be paid in the promissory notes of the Government.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 12, 1839.

MIRABEAU B. LAMAR.

AN ACT

For the relief of R. M. Williamson.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the

board of land commissioners of Washington county be, and they are hereby required to issue to Robert M. Williamson, agent of Benjamin R. Milam, ten certificates for a league and labor of land each, making in all ten leagues and ten labors of land; which the said Williamson, his heirs or assigns be, and they are hereby fully authorized and empowered to locate and have surveyed upon any vacant and unoccupied lands of this Republic, as pointed out and prescribed by the land law.

Sec. 2. Be it further enacted, That the commissioner of the general land office be, and he is hereby authorized and required to issue patents to the said Williamson, his heirs or assigns, upon said certificates, so soon as the office may be opened for the issuing of patents, and that no fees of the Government shall be exacted from said Williamson: Provided also, That said Williamson shall accept the same in full satisfaction of all the claims that he may have on the Government as agent of Benjamin R. Milam.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January, 14 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of W. C. White & Co.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the first auditor be, and he is hereby required to audit the claim of W. C. White & Co. to the amount of two thousand two hundred and thirty-seven dollars, and that the second auditor audit for the same individuals the amount of one hundred and eighty-eight dollars.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 14, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of Thomas William Ward.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the first auditor be, and he is hereby required to audit the accounts of Thomas William Ward, as Major of Infantry, from the eighteenth of May, eighteen hundred and thirty-six, to the eighteenth of December, eighteen hundred and thirty-seven.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

AN ACT

To authorize the raising of a company of fifty-six men for the ranging service.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of five thousand dollars be, and the same is hereby appropriated for the purpose of raising and supporting a company of fifty-six men, to act as rangers for three months, to be commanded by such person as the President may appoint by and with the consent of the Senate, whose duty it shall be to range on the frontier of Gonzales county and protect the settlements; which said sum shall be at the disposition of the President.

Sec. 2. Be it further enacted, That it shall be the duty of the captain of the company herein created, to report to the secretary of war and to the brigadier general of the first brigade, and keep them advised of his movements.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act granting a divorce to Sophia Aughinbaugh.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Sophia Aughinbaugh and Jesse A Aughinbaugh be, and they are hereby declared to be forever divorced, and each party is hereby declared to be free to act in everything as though they had never been married.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNETT,
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

Appropriating two thousand dollars for Indian purposes.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of two thousand dollars be, and the same is hereby appropriated to pay off and discharge the arrearages in the department of Indian affairs for the year of eighteen hundred and thirty-eight.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNETT,
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act fixing the standard of Silver and Gold Coin in this Republic.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the standard

value of silver and gold coins shall be, and is hereby declared to be the same as is in the United States of America, and the standard by which silver and gold coin is established by the Government of the United States, is hereby adopted for the Government of this Republic.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act to authorize the Commissioner of the General Land Office to receive the Government dues on Land.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the commissioner of the general land office be, and he is hereby authorized and required to receive the Government dues upon all surveys that may be returned to his office.

Sec. 2. Be it further enacted, That the commissioner of the general land office shall pay into the treasury of the Republic, all Government dues received by him at the expiration of every week, as contemplated by the foregoing section of this act.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

AN ACT

To punish certain Offences therein named.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from

and after the passage of this act, if any person shall be found guilty of harboring or clandestinely supporting any runaway negro slave, or negroes indentured for a term of years, or in aiding and assisting in so doing, on conviction thereof before a court of competent jurisdiction, he shall for such offence be fined in a sum of not less than five hundred nor more than one thousand dollars, shall be imprisoned not less than six months nor more than one year.

Sec. 2. Be it further enacted, That it shall be the duty of the district judge to give this act in charge to the grand jury.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of Colonel James Smith.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the first auditor be, and he is hereby authorized and required to audit the accounts of Colonel James Smith for his personal services as captain of cavalry, from the eleventh of April, eighteen hundred and thirty-six, to the sixth of May ensuing, from which period until the fifth of September of the same year, as inspector general, and from the latter period to the first of November as colonel of cavalry, under the appointment of the commander-in-chief.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

AN ACT

To Incorporate the Towns of Comanche and Waterloo.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the citizens of the towns of Comanche and Waterloo each be, and they are hereby separately and severally incorporated, and shall have the same powers and be governed by the same rules that are enacted by a law passed at the present session of Congress for the incorporation and government of the town of Milam, except such parts thereof as conflict with the subsequent provisions hereof.

Sec. 2. Be it further enacted, That an election shall be held in said towns, on the first Monday of March in each year, for Mayor and four Aldermen for each town, and the persons so elected shall continue in office one year or until their successors are qualified. The Mayor, so elected, shall be commissioned by the chief justice of the county of Bastrop, and shall have all the powers of a justice of the peace in all matters and cases arising under the criminal laws of the country, and shall be authorized and empowered to enforce and carry into effect such by-laws and ordinances, as the corporation of said town shall from time to time, ordain for the regulation of the police thereof.

Sec. 3. Be it further enacted, That the chief justice of Bastrop county shall issue writs of election for the Mayor and Aldermen of said towns, to be held on the first Monday in March, eighteen hundred and thirty-nine: And the Mayor and two Aldermen of each town shall, on the first Monday in March of every year thereafter, hold said election.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of Msnassah Sevey.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Manassah Sevey be, and he is hereby allowed to change his name to that of William Sevey.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of Lee C. Smith.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the auditor be, and he is hereby required to audit the account of Lee C. Smith, for six months service as captain of cavalry, and also that the usual allowance be made him for such soldiers as he may have enlisted, and that the secretary of war be required to issue in his favor a land certificate for a corresponding term of service.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the Relief of Louis P. Cooke.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the

first auditor be, and he is hereby required to audit the account for pay and emoluments of Louis P. Cooke, in accordance with the commission which he has held and discharged as an officer of the Republic of Texas, up to the date of the disbanding act of December, eighteen hundred and thirty-seven.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of Dr. S. Booker.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the first auditor be, and he is hereby directed to audit the claims of Doctor S. Booker for six months and twenty-three days pay as assistant surgeon of the army of Texas.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of William H. Wharton.

Sec. 1. Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the auditor be, and he is hereby authorized and required to audit all the accounts which may be presented to him with proper vouchers by the honorable William H. Wharton, late Minister Plenipotentiary to the United States of America, for his expenses during his imprisonment at Matamoras, and for

making his escape from the same: Provided, the amount does not exceed five thousand dollars.

Sec. 2. Be it further resolved, That the secretary of the treasury be, and he is hereby authorized and required to pay the claims contemplated in the preceeding section, with the promissory notes of the Government, a sufficient amount of which is hereby especially appropriated for that purpose.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

AN ACT

Requiring the Secretary of the Treasury to re-open the Books of the Stock Commissioner.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the secretary of the treasury be, and he is hereby required to cause the stock books of the funded debt to be opened, by the stock commissioner, and to remain open until the first day of January, eighteen hundred and forty, for the purpose of funding the Government liabilities, agreeably to the provisions of the law previously existing upon the subject, and all certificates of Stock issued previous to the first of March next, shall bear interest from the first of September, eighteen hundred and thirty-eight.

Sec. 2. Be it further enacted, That no promissory notes which may hereafter be issued or paid out of the treasury of the Republic shall bear interest; and the holders of promissory notes shall be allowed to fund the same and receive in lieu thereof, shares of stock in the funded debt of the Government.

Sec. 3. Be it further enacted, That all claims which were issued previous to the first of September, eighteen hundred and thirty-seven, and which shall hereafter be funded, shall bear interest from the first of September, eighteen hundred and thirty-seven, and all claims issued subsequent to the first

of September, eighteen hundred and thirty-seven, and which may hereafter be funded, shall bear interest from the first of September, eighteen hundred and thirty-eight.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

AN ACT

The better to define the duties of Recorder.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it shall be the duty of the clerks of the county courts to record all deeds, conveyances, mortgages and other liens affecting the titles to land and immovable property, situated within the same, which shall be presented to them for record: Provided, one of the subscribing witnesses shall swear to the signature of the signer, or he himself shall acknowledge the same, which proof or acknowledgement shall be made either before some county court or chief justice of the same, or before the clerk in whose office such instrument is proposed to be recorded, a certificate of which shall be made upon such instrument by the proper officer, and become a part of the record; and all laws contrary to or conflicting with this act be, and the same are hereby repealed, so far as they conflict with or are contrary to the same.

Sec. 2. Be it further enacted, That copies of all deeds, &c. when the originals remain in the public archives, and were executed in conformity with the laws existing at their dates, duly certified by the proper officers, shall be admitted to record in the county where such land lies.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

AN ACT

To prohibit the driving of Cattle from that part of the Country
West of the Gaudaloupe.

Whereas, Many persons have heretofore driven horses, cattle and other animals to which they had no claim, but which were the property of others from that section of the Republic west of the river Guadalupe to other parts, and whereas this practice arising and hitherto allowed solely on account of the unsettled and disorganized state of the country, is illegal and has inflicted much and serious injury upon many citizens of the Republic: Therefore,

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That any person or persons, who shall after the passage of this act, drive or cause, aid or abet in the driving of any horses, cattle or domestic animals of any kind, which are not his or their legal property from that section of the Republic west of the Gaudaloupe river, to any other section of the same, shall be deemed guilty of felony, and on conviction thereof shall suffer the punishment inflicted for a violation of the fifteenth or seventeenth sections, as the case may be, of an act entitled an act punishing crimes and misdemeanors.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

AN ACT

To establish a Mail-Route from Clarksville to Shelton.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Post Master General is hereby authorized and required to establish a mail-route once every two weeks from Clarksville to Shelton on Sulphur Fork; and that a post office be established at Shelton.

Sec. 2. Be it further enacted, That this act shall be in force from and after its passage.

JOHN M. HANSFORD,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of James R. Cooke.

Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the auditor be, and he is hereby authorized and required to audit the claim of James R. Cooke for the sum of five hundred and fourteen dollars and forty-one cents, and to issue to him a draft on the treasury of the Republic for the same, payable in the promissory notes of the Government.

JOHN M. HANSFORD,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of William H. Monroe and Noah Smithwick.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled. That the secretary at war be, and he is hereby authorized and required to issue one certificate to William H. Monroe, and one to Noah Smithwick, for twelve hundred and eighty acres of land each, on

presenting their discharges, signed by William H. Moore, captain of rangers.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of Byrd Lockhart.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the stock commissioner be, and he is hereby authorized to pay to Byrd Lockhart or order, the interest on four certificates of stock, he purchased, of one hundred dollars each, amounting to forty dollars: Provided, The said Lockhart file with the stock commissioner, the power of attorney given by the original holder to him to draw the interest.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of L. M. Hitchcock.

Sec. 1. Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the secretary of the treasury be, and he is hereby required to pay to L. M. Hitchcock the sum of nine thousand two hundred and

ninety-three dollars, with interest thereon at the rate of ten per cent. per annum, from the eighteenth day of January eighteen hundred and thirty-eight, until the amount be paid.

Sec. 2. Be it further resolved, That the secretary of the treasury pay to said Hitchcock, the sum of fifteen hundred dollars damages, to be paid also in the promissory notes of the Government.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

Making an Appropriation for the Salary of the Secretary of Legation.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of one thousand dollars be, and the same is hereby appropriated to defray in part the salary of the Secretary of Legation near the Government of the United States at Washington.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

AN ACT

Repealing the 26th section of an act establishing the jurisdiction and powers of the District Courts, so far as relates to the descendants of Indians.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That so

much of the twenty-sixth section of an act entitled an act establishing the jurisdiction and powers of the District Courts, as relates to the descendants of Indians be, and the same is hereby repealed.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of James Anson Dunn.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the first auditor is hereby authorized and required to audit the account of Doctor James Anson Dunn, for pay as surgeon from the twelfth day of April, eighteen hundred and thirty-seven, to the twenty-eighth day of December of said year inclusive; and that the Secretary of War grant him his bounty land for said term of service.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of A. P. Walden.

Resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the second auditor be, and he is hereby authorized and directed to audit in favor of A. P. Walden, and that the treasurer be required to

issue in promissory notes of the Government to said Walden, the amount of one hundred dollars; which sum shall be in full for a draft in favor of A. P. Walden, on the former Quarter Master General.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of John Matthews.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the first auditor of public accounts be, and he is hereby required to audit the claim of John Matthews, for the sum of two hundred and fifteen dollars; that being the amount of his claim against the Government for two mules and one yoke of oxen, furnished the army in the year eighteen hundred and thirty-six.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of John White.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the board of land commissioners of Harrisburg county be, and they are hereby required to issue to John White or his heirs, two certificates for a league and labor of land each, and that said White be, and he is fully authorized and empowered to locate, have surveyed and obtained patents on said claims of lands, in the manner

pointed out and prescribed by the land law now in force: Provided, the said White with his family remove to this Republic and become permanent citizens within two years from and after the passage of this act.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of Holland, Coffee & Co.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Treasurer be, and he is hereby authorized and required to pay to pay to Holland, Coffee & Co. the sum of six hundred and sixty-one dollars, being the amount appropriated to said Coffee and Company by an act of Congress, passed at the first session of the second Congress: Provided, however, that said Coffee and Company shall give bond and security to the Treasurer, to be approved of by him, that the audited draft for the said sum shall be returned to the Treasury.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNETT,
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act to create a Board or Tribunal for the examination and auditing of claims against the Government in certain cases.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the first and second auditors, together with the comptroller be, and they are hereby constituted a board or tribunal for the

examination and auditing of all claims against the Government, which the first or second auditor may not be authorized by the present laws to audit; that they shall have the powers of a court of equity, and it shall be their duty to examine into all claims of whatever amount, founded in equity and justice, in relation to the redemption of which the present laws have made no provision.

Sec. 2. Be it further enacted, That it shall be the duty of said tribunal to meet every Saturday, or oftener at their discretion, in the first auditor's office, for the purpose of adjudicating on such claims as may be presented to them, that the regular duties of their respective offices shall be suspended on said day, and it shall be the duty of the secretary of the treasury to attend the sessions of said tribunal, to represent the interests of the Republic.

Sec. 3. Be it further enacted, That no claims of any character shall be presented to Congress or the President until they have been first presented to said board or tribunal, and that it shall be the duty of the petitioner taking the appeal, to furnish the committee to whom such rejected claim may be referred, to file with his petition the opinion of the secretary of the treasury, containing the reasons which induced the board to reject said claim, which reasons he shall furnish to said petitioner.

Sec. 4. Be it further enacted, That it shall be the duty of the said board to state in their decision whether the claimant is entitled to the promissory notes of the Government or not; which said decision shall be returned and filed in the office of the proper auditor, and constitute a part of the records of his office, whose duty it shall be to issue to the claimant, the proper certificate or draft for the same.

Sec. 5. Be it further enacted, That said board shall hold their sessions between the hours of ten o'clock a. m. and one o'clock p. m. and between the hours of 3 o'clock and 5 p. m.

Sec. 6. Be it further enacted, That all laws and parts of laws contrary to the meaning of this act be, and the same are hereby repealed, from and after the passage of this act.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 21, 1839.

MIRABEAU B. LAMAR.

AN ACT

Supplementary to an act entitled an act to dispose of Galveston and other Islands of the Republic of Texas, approved, June 12th, 1837.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the secretary of the treasury be, and he is hereby authorized and required to cause to be surveyed on the East end of the Island of Matagorda, six hundred and forty acres of land in such form as will best suit for a town site, and to cause the same to be laid out into lots, as to him the said secretary shall deem best, considering the locality of the place.

Sec. 2. Be it further enacted, That so soon as said town shall be surveyed, and the plan of the same returned to the secretary, it shall be his duty to advertise the same for sale, at a day by him to be fixed upon, in all the newspapers published in this Republic, and also in at least three published in the city of New Orleans.

Sec. 3. Be it further enacted, That the sale of said town lots shall be at the State House of this Republic.

Sec. 4. Be it further enacted, That the lots in said town shall be offered and sold for no other currency than gold silver, audited paper, or the promissory notes of this Government.

Sec. 5. Be it further enacted, That the secretary of the treasury be, and he is hereby authorised to pay the expenses of surveying, advertising and sale, out of the first money received from the sales aforesaid.

Sec. 6. Be it further enacted, That the said lots shall be sold on the following terms, viz: One fourth part to be paid down, and the other three fourths to be in equal instalments of six, twelve and eighteen months.

Sec. 7. Be it further enacted, That if any person who shall purchase any of the aforesaid lots, shall fail to make payment of the several instalments in conformity with this act, he or they shall forfeit all such sums as they may have previously paid, and the lots purchased by such defaulter, shall revert to the Government of this Republic.

Sec. 8. Be it further enacted, That all persons, aliens not excepted, shall have the privilege of purchasing and holding the same; and the President is authorized to issue patents to them, so soon as the last instalment shall have been paid.

Sec. 9. Be it further enacted, That the town contemplated by this act shall be known by the name of the town Calhoun.

JOHN M. HANSFORD,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved, January 21, 1839.

MIRABEAU B. LAMAR.

AN ACT

Supplementary to an act entitled an act to authorize the President to negotiate a loan upon the Bonds of the Government, not exceeding five millions of dollars.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President of this Republic be authorized by his letters patent to empower the commissioners, appointed to negotiate a loan under the authority of an act, passed the sixteenth May, eighteen hundred and thirty-eight, entitled "an act to authorize the President to negotiate a loan on the bonds of the Government, not exceeding five millions of Dollars," to affix the seal of this Republic to any bond or bonds or certificates of stock they may issue, sell or negotiate, by virtue or under the authority of said act.

Sec. 2. Be it further enacted, That in the event of a loan being obtained, either for the whole sum of five millions of dollars or for any part thereof, it shall be the duty of the lender or lenders, to deposit the sum for which they have contracted in the Bank of England, if the loan be negotiated in England, and in like manner the deposit to be made by the lender or lenders in the Bank of the United States of Pennsylvania for all such sums of money contracted to be loaned

in the United States; and all such deposits shall be made in the name and to the credit of the Republic of Texas, and the disposition of all sums of money so deposited as aforesaid shall be made upon the order of the President of this Republic, countersigned by the secretary of the treasury.

Sec. 3. Be it further enacted, That in case of the death of either one of the commissioners appointed to negotiate the aforesaid loan pending any negotiation, the surviving commissioner shall have full power to seal, execute, sell and deliver any bond or bonds, issued under the aforesaid act, as full and perfectly as if they were all present and acting.

Sec. 4. Be it further enacted, That in case the said sum of five millions of dollars or any part thereof should be negotiated by virtue of the aforesaid act of the sixteenth May, eighteen hundred and thirty-eight, in addition to the general pledge of the faith and credit of this Republic, contained in said act for the payment of the interest and redemption of the principal of said loan, so much of the revenues of the Republic as may be necessary, shall be set apart and semi-annually remitted to the Bank of the United States in Philadelphia, to meet the semi-annual interest on any bond or bonds issued under said loan: and as soon as the Government shall deem it expedient to sell the public lands, of the proceeds thereof, three hundred thousand dollars shall be annually appropriated and set apart, and invested in public securities or corporate stocks, to form a sinking fund for the ultimate redemption of the aforesaid loan of five millions of dollars, which said appropriation shall be continued annually to be made, until with the interest accruing and accumulating on the same, a sum shall be raised equal to the said five millions of dollars, or any part thereof which may have been negotiated.

Sec. 5. Be it further enacted, That the fifth section of the aforesaid act of the sixteenth May: eighteen hundred and thirty-eight be, and the same is hereby repealed.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 22, 1839.

MIRABEAU B. LAMAR.

AN ACT

To authorize the President to negotiate a loan of one million of dollars.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President of the Republic, for the purpose of effecting a loan, be, and he is hereby authorized to issue bonds in the name of the Republic, for such sums as may suit the purchasers thereof, to an amount not exceeding in the whole one million of dollars, which bonds shall be made payable to bearer, be transferable by delivery, and bearing an interest on the face thereof, at a rate not exceeding eight per cent. per annum, and the principal and interest to be paid to the holders thereof at such time and place and in such manner as may be agreed on and stipulated therein, and to be redeemable in ten years from the day of date.

Sec. 2. Be it further enacted, That the President by and with the advice and consent of the Senate shall appoint a commissioner, who shall have power within the United States of America to carry out the purposes and fulfil the objects of this act, in the manner specified therein, and shall be subject from time to time to such instructions as the President shall communicate to him through the secretary of the treasury, and the said commissioner shall have power to agree and stipulate that the holder or holders of the bonds so issued may at any time they may choose, surrender the same and in lieu of principal and interest due thereon, receive any of the public lands, at the minimum price fixed by the Government, at the time of the sale of their public lands, and if said lands are sold at auction, any of the said holders shall be allowed to bid, and pay the amount of their purchases with any of said bonds, in like manner as they are permitted to do at the fixed prices of the Government.

Sec. 3. Be it further enacted. That the commissioner shall have power to negotiate and sell such bonds for the notes of any bank or banks paying specie at the time of the sale, and shall have power to stipulate that the notes of any bank or banks purchasing such bonds shall be received in payment of all public dues, so long as said bank or banks

shall be in good credit, and redeem their notes when presented in gold or silver.

Sec. 4. Be it further enacted, That the bonds issued under the provisions of this act shall be signed by the President and countersigned by the secretary of the treasury, and be under the seal of the Republic, and upon the sale of any bond or bonds, the purchaser or purchasers thereof shall deposit the proceeds of the sale in such banks in the United States as the President shall direct, to the credit of the Republic of Texas, and all such money shall be held by such bank subject to the order or draft of the President; which order or draft shall be countersigned by the secretary of the treasury, and the said bank shall forthwith notify the secretary of all deposits made to the credit of this Government, and the said commissioner shall from time to time inform the secretary of the treasury of all transactions done by authority of this act.

Sec. 5. Be it further enacted, That for the punctual payment of the interest and final redemption of said bonds, the public faith is hereby solemnly pledged, and so much of the receipts from the customs and the proceeds of the sale of the public lands, as may be necessary to carry into effect this pledge.

Sec. 6. Be it further enacted, That it shall be the duty of the secretary of the treasury, should the loan be effected, to lay before each and every Congress, early in the session, a statement of all the sales of bonds that may have been effected, the expenses accruing thereon, and what disposition has been made of the proceeds of the same.

Sec. 7. Be it further enacted, That full power and authority is hereby vested in the President of this Republic, to effect the loan contemplated by this act, upon such terms and conditions as he may deem beneficial to the country, and he shall give instructions to the commissioner to be signed and sealed by him, and every act of the commissioner within the limits of the instructions given by the President, shall be valid and as binding in this Republic as if done by the President: Provided, that the expenses incurred in negotiating the loan on the part of the commissioner shall not exceed one per cent. in the amount borrowed.

Sec. 8. Be it further enacted, That nothing in this act shall be so construed as to effect the law of the sixteenth May,

eighteen hundred and thirty-eight, authorizing the President to negotiate a loan of five millions of dollars.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 22, 1839.

MIRABEAU B. LAMAR.

AN ACT

For the relief of John G. Love and R. C. Doome.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That John G. Love, late collector of the district of San Augustine and R. C. Doome, now collector of the Port of Sabine, be, and they are hereby allowed for their services as collectors of said Ports, at the rate of two thousand dollars per annum: Provided, it is in full for all services performed as such collectors per annum.

Sec. 2. Be it further enacted, That the secretary of the treasury be, and he is hereby authorized to settle with said collectors in accordance with the provisions of the first section of this act.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 22, 1839.

MIRABEAU B. LAMAR.

AN ACT

For the relief of Master Builders and Mechanics of Texas.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, master builders and mechanics of every denomination, contracting in writing to put up and erect buildings of any or every description, shall have a lien in the nature of a mortgage on all such buildings as they

may put up or erect or work upon, and also upon the tract, parcel or lot of land upon which such building or buildings shall be put up and erected, until the price or compensation for services and for materials found shall be fully paid and satisfied, unless a contrary stipulation be made and agreed upon at the time it is entered into: Provided always, That such lien shall not have a priority over bona fide mortgages or legal incumbrances existing anterior to the time of the contract being made, if the said mortgages or legal incumbrances shall duly be recorded according to law: Provided also, That in all cases such builder or mechanic shall have an exclusive lien on all improvements made by him, to the extent of his claim for the same.

Sec. 2. Be it further enacted, That every contract made and entered into as aforesaid, shall be recorded in the office of the Clerk of the county, when such building as aforesaid shall be erected and put up within the space of thirty days after the contract is made, or otherwise the said lien shall cease, and be inoperative.

Sec. 3. Be it further enacted, That when suit shall be brought by any master builder or master builders, mechanic or mechanics, upon any contract made, executed and recorded as aforesaid, and a judgment or decree shall be rendered in favor of such master builder or mechanic, execution for the amount of the same may be levied upon the tract, parcel or lot of land upon which such building or buildings have been put up and erected, as well as upon the buildings and improvements thereupon erected and made, and all the right, title and interest which the defendant had in and to the said tract, parcel or lot of ground at the time the contract was entered into, as well as the building and improvements erected and made thereon, may be sold to satisfy such judgment or decree: Provided, nevertheless, That nothing in this act contained shall prevent such master builder or mechanic from levying his said execution upon any other property belonging to the person or persons against whom such judgment or decree shall have been rendered.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act supplementary to an act entitled an act creating a General Post Office.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, the Vice President of the Republic shall be, and he is hereby entitled to have his letters and newspapers to and from, conveyed by post, free of postage.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act to amend the Judiciary Laws of the Republic.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the punishment of branding for the crime of manslaughter be, and the same is hereby repealed. (See section 3d of the act for punishing crimes and misdemeanors.)

Sec. 2. Be it further enacted, That section fifth of "an act establishing fees of office," approved December nineteenth, eighteen hundred and thirty-six be, and the same is hereby repealed, and that the Clerks of the district court shall hereafter add to the bill of costs, a tax of three dollars in every suit or action instituted in said courts, and the Clerks of the county courts shall in like manner add a tax of one dollar to be paid by the party cast in each suit; which tax when so collected, shall be paid into the county treasury of the proper county.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

AN ACT

To alter the time of holding the District Courts in the Fourth Judicial District.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the first day of August, eighteen hundred and thirty-nine, the time and manner of holding the district courts for the fourth judicial district shall be the following: Commencing in the county of Bexar, on the second Mondays in October and March, and may continue in session until the Friday before the first Mondays in November and April; in the county of Gonzales the district Court shall be holden on the first Mondays in November and April, and may continue in session six days; in the county of Jackson, on the second Mondays in November and April, and may continue in session six days; in the county of Victoria, on the third Mondays in November and April, and may continue in session six days; in the county of Goliad, on the fourth Mondays in November and April, any may continue in session six days; in the county of Refugio, on the first Monday after the fourth Mondays in November and April, and may continue in session six days; in the county of San Patricio, on the second Monday after the fourth Mondays in November and April, and may continue in session six days.

Sec. 2. Be it further enacted, That so much of an act passed the twenty-fourth of May, eighteen hundred and thirty-eight, entitled an act to amend an act entitled an act establishing the district courts, as may be contrary to the provisions of this act be, and the same is hereby repealed.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

AN ACT

For the relief of the Heirs of David Thomas.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the second auditor be, and he is hereby authorized and required to audit the claim of David Thomas as a member of the General Convention in the year of eighteen hundred and thirty-six.

Sec. 2. Be it further enacted, That the said auditor be required to audit the claim of the said David Thomas as Attorney General for the term of time he served as such.

Sec. 3. Be it further enacted, That the secretary of war be authorized to issue to the legal representatives of said David Thomas, the quantity of land scrip to which he is justly entitled.

Sec. 2. Be it further enacted, That the secretary of the treasury be authorized to pay the legal representatives of said David Thomas, in the promissory notes of the Government, the amount of his claims.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

To legalize certain acts therein named.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all the acts and doings of legal adjudication, which have been done at the town of Nashville in Milam county, and are required to be done at the county seat, shall remain and be as legal and valid in law as though they had been transacted at the county seat of said county.

Sec. 2. Be it further enacted, That the town of Nashville shall be the county seat of the county of Milam, until an election shall have been holden by the qualified voters of said county for its permanent location.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

AN ACT

To establish a new Mail Route.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Postmaster General be, and he is hereby authorized and required to put into immediate operation a weekly mail from the town of Crockett, in Houston county, to the town of Houston in said county, by the way of Brownville, any law to the contrary notwithstanding.

Sec. 2. Be it further enacted, That the Postmaster General be, and he is hereby authorized to contract for carrying the mail once a week from Myrtle Springs, in Red River county to the town of Fulton, on Red River.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of William K. Rivier and James Stonum.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of

War be, and he is hereby authorized and required to grant to William K. Rivier and James Stonum, honorable discharges for a term of three months service in the army, under the command of Captain John Hart, of the volunteer cavalry of Red River county, in the year 1836.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

A AN ACT

Granting a divorce to George Fisher and Elizabeth Fisher.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, George Fisher of this Republic, and Elizabeth Fisher, formerly Elizabeth Davis of the State of Mississippi be, and they are declared to be forever divorced, "a vinculo matrimonii;" and each party is hereby declared to be as competent to contract as though they had never been married.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

AN ACT

Supplementary to an act entitled an act establishing the Fees of Office.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in

all criminal prosecutions, when the party accused shall not be convicted, the fees of the District Attorney conducting such prosecutions shall be paid by the Republic; and the provisions of this section of this act shall extend to all such prosecutions as have been instituted since the 18th of December, 1837.

Sec. 2. Be it further enacted, That from and after the passage of this act, in every action instituted in behalf of the Republic, for the recovery of any monies on pecuniary penalties of any kind, in addition to the tax fee now allowed by law, the District Attorney conducting such action shall be entitled to receive five per cent. on the amount recovered.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

AN ACT

Granting a divorce to Louisa Beasly.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Louisa Beasly and Seymore S. Beasly be, and they are hereby declared to be forever divorced, and each party is hereby declared free to act in every thing as though they never had been married.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act to define the time of holding Justice's Courts.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, Justices' Courts shall be held in the different counties of this Republic on the fourth Saturday in every month, and no oftener, any law, custom or usage to the contrary notwithstanding.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act supplementary to the Judiciary Laws of the Republic.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That when any party to a suit or action, either as principal or security, maker or endorser, founded on any bond, bill, promissory note, or other written contract, covenant or agreement whatsoever, shall deny his signature, he shall be required to do the same under oath.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of a certain person therein named.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the first auditor

be and he is hereby authorized and directed to audit the certificate of Edward Burleson, commander-in-chief, in favor of David Garner, for the sum of eighty-nine dollars.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For a certain person therein named.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the act of the late Executive, withdrawing the application of this Republic for admission into the American Union, meets with the approbation and ratification of Congress.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act to define the time of Sheriff's sales, and the manner of advertising.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, all sheriff's sales, and administrator's or executor's or guardian's sales of real estate or personal property, or a right growing out of the same, shall be made on the first Tuesday in every month, which sales shall take place between the hours of 10 o'clock a. m. and 4

o'clock p. m., at the court-house door of the county in which said sales are made.

Sec. 2. Be it further enacted, That all such sales of real estate shall be advertised thirty days in some public gazette or newspaper, before the sale takes place, and all personal property shall be advertised in like manner for twenty days before the day of sale: Provided, There is a public gazette or newspaper published in the county, or in an adjoining county to where such sale takes place; and said sales shall also be advertised at the court-house door of the county in which said sale takes place and at other public places; and all laws and parts of laws contrary to the true intent and meaning of this act be, and the same are hereby repealed.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

AN ACT

To translate the Laws of the Republic into the Castilian language and promulgate the same.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in justice to that numerous portion of our fellow citizens who understand only the Castilian language, and who are consequently wholly ignorant of the most important laws to which their obedience is required, the Secretary of State shall be authorized to contract with some person properly qualified, for the translation and compilation of such general and penal enactments as have been made by the former and present Congress; that a sufficient number of copies of the same shall be printed and distributed in those counties where the population alluded to may reside; and that in future all general enactments shall as soon as practicable be translated into the Castilian language, and transmitted to the Chief Justice and Jus-

tices of the Peace of said counties, who shall give due publicity to said laws; any laws to the contrary notwithstanding.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

AN ACT

To establish a Port of Entry, to be called *La Vaca*.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, the following designated district shall be a port of entry: Commencing at the dividing line between the counties of Matagorda and Jackson, on the bay of Matagorda, thence to the mouth of the *La Vaca* river, thence around the head of *La Vaca* bay, and down the west bank of said bay to the Pass de Cavallo, embracing all the creeks, landings or other places where goods may be landed, within said limits.

Sec. 2. Be it further enacted, That the above named port of entry shall be conducted by a Collector, and all other officers as he may deem proper for the better securing the revenues of this Republic, accruing from the importations of merchandize into the said district.

Sec. 3. Be it further enacted, That it shall be the duty of the boarding officer at the Pass Cavallo to board all vessels bound for the *La Vaca* bay, and despatch them in the same manner as if they were bound for Matagorda.

Sec. 4. Be it further enacted, That the Collector who may be appointed under the provisions of this act, shall be authorized to establish his office in such part of the collectoral district herein provided for, as he may deem most convenient, and best adapted to secure the duties.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

AN ACT

To provide for the raising of three Companies of Mounted Volunteers for frontier service against the hostile Indians.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and he is hereby authorized to accept the services of three companies of mounted volunteers for immediate active service, on the frontiers of Bastrop, Robertson and Milam counties, for the term of six months, unless sooner discharged, to be mounted and armed and equipped at their own expense, each company to consist of one captain, one first lieutenant, one second lieutenant, three sergeants and fifty-three privates; the men composing each company will elect the officers of the company, and the officers and men of said companies will elect a major to command them.

Sec. 2. Be it further resolved, That the said companies shall be allowed the same pay, except the bounty of land, as is granted by the law defining the pay of mounted riflemen in the ranging service, approved 10th December, 1836.

Sec. 3. Be it further resolved, That upon the receipt of the final muster rolls at the War Department, after the discharge of said companies, the President be authorized to order their payment out of any money that may be in the treasury not otherwise appropriated.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

Providing for the printing of the Rules and Regulations of the army of this Republic.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That one thousand copies

of the rules and regulations for the government of the army of the Republic of Texas, be printed under the inspection of the Secretary of War, and that he issue to all officers of the army a copy thereof, charging them respectively with the cost thereof, and fifty per cent. additional, and that the monies received for the same shall be paid into the treasury for the use of the Republic.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of A. J. Yates.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the auditor be, and he is hereby directed to audit the claims of A. J. Yates for seventeen hundred and fifty-nine dollars, on his giving a receipt in full to this Government for all services rendered to this Republic as agent or commissioner of loans for this Republic; and the secretary of the treasury is hereby directed to pay the above in the promissory notes of this Government.

JOHN M. HANSFORD, .

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of J. H. Starr and J. S. Roberts.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the secre-

tary of the treasury be, and he is hereby authorized and required to receive from James H. Starr, receiver of public monies at Nacogdoches, a certificate or claim against this Government for three thousand three hundred and twenty-six dollars and seventy-nine cents, given to J. S. Roberts by William G. Cooke, Quartermaster General, on the 9th December, 1838, at par valuation with the treasury notes of this Republic.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION.

Supplementary to the joint resolution for appointing two legal gentlemen to compile a code of laws for the Republic of Texas.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the commissioners appointed under the act to which this is a supplement, shall have the power and they are hereby authorized to employ a clerk; and the sum of one thousand dollars is hereby appropriated for the purchase of books to enable said commissioners to discharge their trust, which said books shall at the completion of the code belong to the Republic; and the secretary of the treasury is hereby authorized and required to pay what is herein appropriated, on the draft of said commissioner, or either of them, as well as the pay of the clerk.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

AN ACT

Authorizing the Auditor to discharge certain duties.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the auditor be, and he is hereby required to audit the account of any county surveyor for work executed for the Republic, agreeably to law: Provided, That the claimant shall present the certificate of the Commissioner of the General Land Office, that the work for which pay is demanded has been properly executed, and that the Republic is thereby justly indebted to the claimant in that amount.

Sec. 2. Be it further enacted, That all accounts audited under the provisions of the first section of this act, shall be paid in promissory notes.

Sec. 3. Be it further enacted, That the auditor is hereby directed to audit and the treasurer to pay all county surveyors for making complete or connected plats of their respective counties, such amount as the Board of Land Commissioners for the counties in which they reside, shall deem a proper compensation for making said map: Provided, The Commissioner General of the Land Office shall approve the same, both as to the execution of the work and the amount of remuneration; and all such certificates shall be sufficient voucher for the action of the auditor.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act to compel all Government Officers to receive the Promissory notes of the Government for all dues that may accrue to them in the discharge of the duties of their Office.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from

and after the passage of this act, no county surveyor, or any officer whatever, except District Judges and the Chief Justice, who may hold office or commission under or by the sanction of this Republic, shall demand any other currency for the dues or appurtenances of their office or appointment, other than that of the promissory notes of this Republic; and that for a violation of the provisions of this act, the individual so offending shall forfeit his appointment, office or commission.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

AN ACT

To be entitled an act giving to the President the power to fill vacancies.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and he is hereby authorized to fill all vacancies that may happen during the recess of Congress, in such offices as are filled by joint vote of both Houses of Congress; and that he be required to report the same to Congress within ten days after the next Congress shall convene.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

AN ACT

Appropriating money to defray the expenses of the various departments of the Government.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That

three hundred and eleven thousand dollars be, and is hereby appropriated for the payment of the expenses of the various departments of this Government for the past and current year; and the secretary of the treasury is hereby directed to issue the promissory notes of the Government for that amount, and pay them out to the order of the proper officers of the Government.

Sec. 2. Be it further enacted, That ten thousand dollars of the above appropriation is specially set apart as a contingent fund, to be drawn from the treasury under the signature of the President, countersigned by the secretary of the treasury, for such purposes as he may deem proper.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 24, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of James C. Boyd.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the auditor be, and he is hereby required to audit the claim of James C. Boyd for six months services as a spy to the cavalry, at twenty-five dollars per month, deducting forty-eight dollars already paid, and also allow him one hundred and twenty-dollars for a horse lost in the service, and that the secretary of war allow him a certificate for a corresponding quantity of land.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 24, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of John A. Zambrano.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the first auditor be, and he is hereby authorized and required to audit the accounts of John A. Zambrano, as captain of cavalry from the fourth of December, eighteen hundred and thirty-five, up to the first of September eighteen hundred and thirty-six, a period of nine months and twenty-seven days.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 24, 1839.

MIRABEAU B. LAMAR.

AN ACT

To authorize the President to appoint a Private Secretary.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and he is hereby authorized to appoint a Private Secretary, who shall receive a salary of two thousand dollars a year: Provided, That he shall not be entitled to any other clerks or assistants.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 24, 1839.

MIRABEAU B. LAMAR.

AN ACT

To appropriate one million of dollars for the protection of the Frontier and for other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That

the President be, and he is hereby authorized and required to discharge all officers and soldiers now in actual service or on furlough, or in any way attached to the military service, except those belonging to the regiment for the protection of the northern and western frontier, and the ordnance department.

Sec. 2. Be it further enacted, That in order to enable the President the more effectually to protect the frontiers, the sum of one million of dollars be, and the same is hereby appropriated for the purpose of raising such forces as the President may deem necessary for the defence of the country, (according to an act of Congress passed in eighteen hundred and thirty-six,) and also the more effectually to carry into operation the several acts passed at this session of Congress.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 24, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

Making an appropriation for the President's House.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of five thousand dollars be, and the same is hereby appropriated, to be expended by the President in completing, repairing and furnishing the house and establishment of the Executive.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 24, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

Making an appropriation for the purchase of a Library for the Republic of Texas.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of ten thousand dollars be, and the same is hereby appropriated for the purpose of purchasing a Library for the use of the Government of Texas, and the secretary of the treasury is hereby required to issue the promissory notes of the Government to that amount; and the President is hereby authorized to draw for the same, and to purchase such books as in his judgment and circumstances most require; and said books shall be deposited in the office of the secretary of state.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 24, 1839.

MIRABEAU B. LAMAR.

AN ACT

Requesting the Treasurer to pay the Salaries of Clerks Monthly.

Sec. 1. Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Treasurer be, and he is hereby authorized and required to pay the Clerks of the various departments and bureaus their salaries regularly on the first of every month, in the promissory notes of the Government; and a sufficient amount thereof is hereby specially appropriated for said purpose.

Sec. 2. Be it further enacted, That the secretary of the treasury be, and he is hereby authorized and required to sup-

ply the Treasurer, on the first of every month with the promissory notes of the Government for the aforesaid purpose.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 24, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of Moses Martindale.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the auditor be, and he is hereby authorized and required to audit the claims of Moses Martindale, for three months service in the army, and that the secretary of war grant him a certificate for a corresponding amount of land.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 24, 1839.

MIRABEAU B. LAMAR.

AN ACT

Amending the act entitled an act adopting a National Seal and Standard for the Republic of Texas, approved on the 10th December, 1836.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, the national arms of the Republic of Texas be, and the same is hereby declared to be a white star of five points, on an azure ground, encircled by an olive and live oak branches.

Sec. 2. Be it further enacted, That the national great seal of this Republic shall, from and after the passage of this act, bear the arms of this nation as declared by the first section of this act, and the letters "Republic of Texas."

Sec. 3. Be it further enacted, That from and after the passage of this act, the national flag of Texas shall consist of a blue perpendicular stripe of the width of one third of the whole length of the flag, with a white star of five points in the centre thereof, and two horizontal stripes of equal breadth, the upper stripe white, the lower red, of the length of two thirds of the whole length of the flag; any thing in the act to which this is an amendment to the contrary notwithstanding.

Sec. 4. Be it further enacted, That the President be, and he is hereby authorized and required to establish such signal and other auxiliary flags, for the naval, revenue and land services, also for the use of the pilots and coasting traders, as the said services may require, and he may deem necessary and expedient.

Sec. 5. Be it further enacted, That the national standard of this Republic shall remain as was established by an act to which this is an amendment.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 25, 1839.

MIRABEAU B. LAMAR.

AN ACT

Supplementary to the several acts for organizing the militia.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President is hereby directed to appoint such persons as may be necessary, to organize the militia in conformity with the laws heretofore passed for that purpose: Provided, That all officers shall be elected by the people, under the direction of the person so appointed by the President.

Sec. 2. Be it further enacted, That the President be and is hereby directed to issue his proclamation immediately after

the passage of this act, directing the manner and mode of holding the election and making the returns thereof, any law to the contrary notwithstanding.

Sec. 3. Be it further enacted, That the militia may be classed in three classes by lot, under the order of the President, and that the President is authorized to call out the classes for the service of the state in numerical order, and any citizen refusing to obey such draft or order, shall forfeit a sum of not less than five hundred dollars, to be assessed by court martial, and the money shall be made by levy and execution by any civil officer to whom the process of said court martial shall be directed; and so much money of the promissory notes of the Government as may be necessary, is hereby appropriated to carry out the provisions of this act.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 24, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of Thomas Jefferson Chambers.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the treasurer of this Republic be authorized, and he is hereby required to pay to General T. Jefferson Chambers in the promissory notes of the Government, the amount of audited claims due him after deducting all dues owing and to be settled for by him with the Republic, including the lots on Galveston island, purchased by him at the sale in November, 1837.

Sec. 2. Be it further resolved, That the treasurer be likewise authorized and required to close a settlement of the accounts between General Chambers and the Republic by signing and delivering to him receipts in full for all the sums owing and to be settled for by him, including the before mentioned lots on Galveston island, and the President of the Republic is hereby authorized and required to issue patents for the same.

Sec. 3. Be it further resolved, That the six pieces of field artillery presented to the Republic by General Chambers, "in token of his devotion to her liberties and national independence," be accepted, and that the thanks of this Congress be tendered to him for the liberal donation.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 25, 1839.

MIRABEAU B. LAMAR.

AN ACT

Supplementary to an act entitled an act for the permanent location of the Seat of Government.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and he is hereby required to have erected at the point which may be selected for the location of the Seat of Government, agreeable to the provisions of the act to which this is a supplement, such buildings as he may deem necessary for the accommodation of the fourth annual Congress of this Republic, together with the President and cabinet and other officers of the Government: Provided, Such location should not be made at a point where such buildings can be obtained.

Sec. 2. Be it further enacted, That it shall be the duty of the President, together with his cabinet officers, to proceed to the point selected for the location of the Seat of Government as aforesaid, together with the archives of this Government, previous to the first day of October next, at which place the fourth annual Congress of this Republic shall assemble on the second Monday in November next.

Sec. 3. Be it further enacted, That the sum of twenty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the purposes as set forth in this act, and that the secretary of the treasury be, and he is

hereby required to issue upon the order of the President the promissory notes of the Government for the before mentioned amount.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act to repeal certain parts of an act organizing the inferior Courts, and defining the powers and jurisdiction of the same.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sixth section of the aforesaid act be, and the same is hereby repealed, and that from and after the passage of this act, the chief justices of the respective counties of this Republic shall still sit and exercise the powers of Probate Judges, conservators of the peace, commissioners of roads and revenues, and notaries public.

Sec. 2. Be it further enacted, That from and after the passage of this act, all powers and jurisdiction granted by law to the respective county courts of this Republic, not enumerated and defined in this act, be and the same are hereby repealed.

Sec. 3. Be it further enacted, That from and after the passage of this act, the fees to be charged and collected by the respective Probate Judges upon the settlement of all deceased persons' estates in this Republic, shall be one per cent. upon all monies actually received and paid out, when the appraised valuation of an estate shall not exceed ten thousand dollars; all laws heretofore allowing a per cent. upon the appraised valuation of an estate are hereby repealed.

Sec. 4. Be it further enacted, That from and after the passage of this act, all process heretofore issued for an amount of one hundred dollars and upwards, created by the

law of eighteen hundred and thirty-six, shall by the judge and clerks of the respective county courts in each county, be returned to the first term of the district court of counties respectively, and any judge or clerk of the respective counties neglecting or refusing to comply with the provisions of this act, shall be considered guilty of a high misdemeanor, and on conviction thereof, before any court having cognizance of the same, be fined in the sum of one thousand dollars, and shall moreover be liable to the party aggrieved in damages.

Sec. 5. Be it further enacted, That all appeals from the justices' court shall as heretofore be returnable to the county courts; which appeal shall be tried de novo, and without the intervention of a jury.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of John S. Roberts.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the treasurer of the Republic is hereby required to receive the accounts of John S. Roberts, late receiver of public monies for the municipality of Nacogdoches, as manager of the stamps, that he be required to examine the same, and if properly vouched for, to receive said accounts, and cause the remaining stamps to be destroyed.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act for the raising of certain Troops therein named.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a corps of rangers, to consist of two companies of fifty-six men each be, and are hereby created for the protection of the counties of San Patricio, Goliad and Refugio.

Sec. 2. Be it further enacted, That said corps shall be established by voluntary enrollment, for the term of six months, to be commanded by officers appointed by the President; that the President be required to report such appointments to the next Congress within ten days after its session.

Sec. 3. Be it further enacted, That the pay of each private, and non-commissioned officer, shall be twenty-five dollars per month, the horses, arms and other equipage, being furnished in all cases by the individuals.

Sec. 4. Be it further enacted, That the sum of fifteen thousand dollars is hereby appropriated for carrying into effect the object of the foregoing sections of this act, and the secretary of the treasury is hereby required to issue that amount of the promissory notes of the Government for that purpose.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

Prescribing the mode of paying Troops.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That hereafter it shall be the duty of the Secretary of War, on the receipt of the duly authenticated final muster rolls of the militia, that have or may be employed in the public service in

accordance with law, to direct the payment of such troops out of the proper appropriations, by an army paymaster, at the most convenient points for them to attend in the section of country in which they reside.

Sec. 2. Be it further resolved, That the militia employed in the campaign against the hostile Indians and Mexicans, under the command of General Rusk, and others, who have mounted, armed and equipped themselves, shall receive the same pay, except bounty lands, as is allowed in the act defining the pay of mounted riflemen, approved 10th December, 1836, any law to the contrary notwithstanding.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 25, 1839.

MIRABEAU B. LAMAR.

AN ACT

'To incorporate the city of Houston and other cities therein named.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all the free white inhabitants thereof shall be a body corporate, by the name of the Mayor and Aldermen, and inhabitants of the city of Houston, and by that name they and their successors shall be known in law, and be capable of suing and of being sued, and of defending in all courts and in all actions and matters whatsoever, and may have a common seal and may alter and change the same at their pleasure, and by the same name shall be capable of holding and conveying any estate, real or personal, for the use of the said corporation: Provided, That such real estate be within the limits of the said city.

Sec. 2. Be it further enacted, That there shall be the following officers for the said city; that is to say, one Mayor, one Recorder, eight Aldermen, one Treasurer, and as many other subordinate officers not herein mentioned, for preserving the peace and well ordering the affairs of said city, as the city council shall direct.

Sec. 3. Be it further enacted, That the Mayor, Recorder, and each of the Aldermen, appointed by virtue of this act, and also all subordinate officers to be appointed under the same, shall before they enter upon the duties of their said offices respectively, take and subscribe an oath to perform the duties thereof, according to the best of their knowledge and ability; which oath shall be taken by the said Mayor, before the Chief Justice of the county, and by the officers respectively before the said Mayor.

Sec. 4. Be it further enacted, That the Mayor and City Council of the city of Houston, shall have full power and authority to make and pass such by-laws or ordinances as they shall deem necessary to maintain the cleanliness and salubrity of said city, to secure the safety and convenience of passing in the streets and squares, ways, levees and other public roads, to fix the squaring and to prevent any encroachment or other undertaking on the said public roads, to determine the completion and dimensions, the maintenance and repair of the said pavements in the said streets at the cost of the proprietors of houses, lands or neighboring lots, to fix the place and anchoring for all water crafts in the bayou, to establish an active system of inspection over the conduct of slaves, to establish a city guard or patrols, to provide for lighting the streets, to determine in what part of the city wooden chimnies shall not be allowed to be erected, to prevent gunpowder being stowed within the city and suburbs in such quantity as to endanger the public safety, to determine on the means to be resorted to in order to extinguish conflagration and to prevent the same, to regulate the service of persons employed in working fire engines, to permit or forbid theatres, balls and other public amusements, to cause the playhouses and other places for shows or exhibitions to be closed whenever the preservation of order, tranquility or public safety shall require it, to establish one or more market places, and to determine the mode of inspection for all comestibles sold publicly either in said market or markets, or in other places, to regulate every thing which relates to bakers, butchers, tavern keepers or of grog shops, and other persons keeping public houses, draymen, horse drivers, water carriers and slaves employed as day laborers, to fix the salaries of said draymen, horse drivers, water carriers and day laborers, and to make other regulations which may contribute to the better administration of the affairs of said corporation, as well as for the

maintenance of the police, tranquility and safety of said city: Provided, That no by-laws or regulations which have been made by said Mayor and City Council, shall have any force and effect in what may be contrary to the provisions of the constitution of the Republic of Texas: Provided also, That said Mayor and City Council shall not have the power of fixing the price of any article sold in the market or other places.

Sec. 5. Be it further enacted, That the limits of the city of Houston, shall be comprehended within the following boundaries, viz: Beginning on Buffalo Bayou where the upper line of the tract of land now owned by Messrs. McKinney & Williams crosses the said bayou, thence south forty-five degrees west, to a point in the prairie, distant one mile and a half from said place of beginning; thence in a direct line to a point on said bayou, distant one mile and a half in a direct line from the foot of Milam street, where the new bridge crosses said bayou; thence in a direct line to a spring commonly called Beauchamp's spring; thence due east to a stake one half mile from said spring, thence in a direct line to the place of beginning.

Sec. 6. Be it further enacted, That the fines imposed by the regulations of the by-laws of the corporation of Houston, shall not exceed the sum of one hundred dollars, and the recovery of the same shall be made before any Justice of the Peace or any competent tribunal, in the name of the Mayor, Aldermen and inhabitants of Houston, and for the benefit of said city.

Sec. 7. Be it further enacted, That in future the sittings or assemblies of the City Council of Houston shall be public, except where, at the request of two thirds of the members present in said council, the said council shall deem it necessary to deliberate with closed doors.

Sec. 8. Be it further enacted, That in future, the Mayor, Recorder, nor none of the Aldermen then in office, shall be allowed, either in his own name, or through the medium of other persons, to become the lessee or bidder for any branch of the revenues of the city, nor for any work or undertaking whatsoever, which may be authorized or ordered by the corporation of said city.

Sec. 9. Be it further enacted, That the City Council shall be the judge of the election of the Mayor, Recorder, and

its members, and it shall name by ballot its clerk and its other private officers, as also the treasurer of the city.

Sec. 10. Be it further enacted, That nothing is changed by the present act, as to the other rights, attributions or powers granted by Congress, to the Mayor and City Council of the city of Houston.

Sec. 11. Be it further enacted, That no person shall be eligible as an Alderman of the said city, who at the time of his election does not possess the qualifications of an elector, and has not resided in the said city six months next preceding said election, and has not held, the last three months, within the said city, landed property to the value of five hundred dollars, agreeably to the county tax roll.

Sec. 12. Be it further enacted, That it shall be lawful for the Mayor and Recorder to try, as Justices of the Peace, all offences that may be committed against the ordinances and regulations enacted by the City Council, within the limits of the jurisdiction granted to sectional Justices of the Peace, but throughout the city of Houston and its precincts.

Sec. 13. Be it further enacted, That in order to enable the Mayor and Recorder of Houston the more effectually to fulfil the provisions of this act, the President shall be and he is hereby authorized, by and with the advice and consent of the Senate, to give to the officers above mentioned a commission of Justice of the Peace, for and during the time they shall fulfil the duties of Mayor and Recorder of Houston.

Sec. 14. Be it further enacted, That the Mayor shall convene the Council of the city whenever required to do so by three Aldermen of the said Council.

Sec. 15. Be it further enacted, That it shall be the duty of the Mayor and Council to cause the Treasurer of the corporation to publish on the first Monday of March in each year, an accurate, detailed and just statement of the receipts and expenditures and the condition of the treasury of said body politic, and publish the same in at least one of the gazettes printed in Houston; the said statement, before it is printed, shall be carried by the Treasurer aforesaid before some Judge or Justice of the Peace, before whom he shall testify on oath that the same is a faithful and a correct statement.

Sec. 16. Be it further enacted, That no tax shall be levied on the inhabitants of the corporation, or their property, by any meeting of the City Council, which consists of less than two thirds of the whole number elected, and no meeting of the said

Council shall proceed to business of any description, unless it be composed of a majority of the whole number of Aldermen elected.

Sec. 17. Be it further enacted, That should the Treasurer of said corporation refuse to account as directed by this act, he shall pay a fine of two thousand dollars; said fine to be recovered on motion before the District Court by the district attorney or his assistant, ten days notice of which shall be given to the said Treasurer; and it is hereby made the duty of the district attorney to inquire and see that the provisions of this act are faithfully fulfilled, and proceed as the case may require.

Sec. 18. Be it further enacted, That it shall be the duty of the collector of the taxes, imposed according to law by the City Council of Houston, to notify all persons who shall have a tax to pay to the corporation of the city of Houston, of the day on which said tax shall become due, and of the place where he shall keep his office, by notices inserted during two months previous to said day in all the papers published at Houston, and it shall be the duty of every person owing a tax as aforesaid, to pay the same, or cause it to be paid at the office of said collector; and thirty days after the day fixed for the payment of said taxes, the said collector shall hand over to the sheriff of the county of Harrisburg, a list of all such persons as shall have neglected to pay such tax, and it shall be the duty of said sheriff on receiving said list, to seize upon and cause to be sold, agreeably to "an act to amend the direct tax law, approved May twenty-fourth, eighteen hundred and thirty-six," the property of each and every person who shall have neglected to pay as aforesaid, over and above said tax, an increase of five per cent. on the amount of said tax, which increase shall accrue to the sheriffs as a compensation for his services: Provided however, That in all cases where the tax is paid before the sale of the said property, the sheriffs shall not proceed to sell, but shall deliver over the property so seized to the owner thereof.

Sec. 19. Be it further enacted, That it shall be the duty of the collector of taxes, mentioned in the preceding section, to cause a list of all the arrear taxes to be inserted in all the newspapers in Houston, and to invite at the same time all persons owing said taxes to pay the same, or cause them to be paid at his office within sixty days following the publication of said list; at the expiration of that delay, said collec-

tor shall furnish to the sheriff of the county of Harrisburg, a list of all such persons as shall have neglected to pay said tax; and it shall be the duty of the sheriff on receiving said list, to seize and cause to be sold the property of each and every person thus neglecting to pay said tax, agreeably to the provision of the preceding section: Provided however, That in all cases where the tax is paid before the sale of the said property, the sheriff shall not proceed to sell, but shall deliver over the property so seized, to the owner thereof.

Sec. 20. Be it further enacted, That the cities of Galveston, Matagorda, San Augustine and Aransas, are hereby incorporated agreeably to the provisions of the foregoing charter; and it shall be the duty of the Chief Justices of the counties of Galveston and Refugio, to hold an election on the second Monday in February next, for the officers contemplated in the said act.

Sec. 21. Be it further enacted, That all laws and parts of laws militating against the provisions of this act, be and the same are hereby repealed.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 28, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act regulating Attachments.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That when a writ shall issue from any of the courts of this Republic, commanding the sheriff or other officer to cite any person to answer any civil action in said court, and the sheriff shall return that the defendant is not to be found within his county, the plaintiff may, at his election, sue out an attachment against the personal estate of such defendant, returnable in the same manner as original process; and if on the issuance of an attachment, the sheriff shall return any goods by him attached, and the defendant shall fail to appear and plead within the

time limited by the laws regulating pleadings, the plaintiff shall be entitled, if an action of debt, to final judgment, and if in an action sounding in damages, to an interlocutory judgment, and may execute a writ of inquiry at the succeeding term; and the goods so attached, if not replevied or sold according to the rules hereinafter prescribed for goods taken on original attachments, shall remain in the custody of the sheriff until final judgment, and then be disposed of in the same manner as goods taken on a writ of fieri facias; and if the judgment shall not be satisfied by the goods attached, the plaintiff shall have execution for the residue.

Sec. 2. Be it further enacted, That original attachments, foreign and domestic, may be issued by any judge of the circuit or county courts, or any justice of the peace.

Sec. 3. Be it further enacted, That every judge or justice, before issuing an attachment, shall require the party applying for the same, his agent, attorney or factor, to make affidavit in writing, that persons against whom the attachment is prayed absconds or secretes him or herself, that he or she resides beyond the jurisdiction of the court, that he or she is about to remove beyond the jurisdiction of the court, so that the ordinary process of the law cannot be served upon him or her, or that he or she is about to remove his or her property beyond the jurisdiction of the court, and that thereby the plaintiff will probably lose the debt; and shall further require the person applying for an attachment, his or her agent, attorney or factor, to swear to the amount of the sum due the plaintiff, and that an attachment is not sued out for the purpose of vexing or harrassing the defendant; and shall further require the plaintiff, his agent, attorney or factor, to give bond payable to the defendant in double the amount sworn to be due, conditioned that the plaintiff shall prosecute his or her attachment to effect, and pay the defendant all such damages as he or she may sustain by the wrongful or vexatious suing out of such attachment; which bond, together with the affidavit of the party complaining, his agent, attorney or factor, subscribed with the proper name of the person making the same, shall be returned by the judge or justice taking the same, to the court or justice to which the attachment is returnable. And upon such bond and affidavit being made as herein before provided, it shall be the duty of said judge or justice to grant an attachment against the estate of such debtor wherever the same may be found in the hands of any person

or persons indebted to or having any of the effects of the defendant, or so much thereof as shall be of value sufficient to satisfy or demand and costs of the complainant; which attachment shall be deemed the leading process in such action, and the same proceedings shall be had thereon as in judicial attachments. Every attachment issued without bond and affidavit taken and returned as aforesaid, shall be abated on the plea of the defendant. And the clerks or deputy clerks of the district court shall have the same power to issue attachments as judges or justices have under this section.

Sec. 4. Be it further enacted, That to prevent errors in issuing attachments and taking bonds thereupon, the attachment shall be in the following form, to wit:

Republic of Texas,

County of

To the Sheriff of

County, greeting:

Whereas A B (or A B attorney, agent or factor, as the case may be, of C D,) hath complained on oath to

, one of the Judges of the Circuit Court

, That E F is justly indebted to him (or the said C D,) to the amount of

and oath having been also made that the said E F absconds or secretes himself, or resides beyond the jurisdiction of the court, or is about to remove himself beyond the jurisdiction of the court, so that the ordinary process of law cannot be served against him, or is about to remove his property beyond the jurisdiction of the court, and the said

having given bond and security, according to the directions of the act in such case made and provided, and made oath that an attachment is not sued for the purpose of vexing or harrassing the defendant, E F; We therefore command you that you attach so much of the estate of the said E F, if to be found in your county, (replevable on security,) as shall be of value sufficient to satisfy the said debt and costs according to the complaint, and such estate so attached in your hands to secure, or so to provide that the same may be liable to further proceedings thereupon, to be had at

so as to compel the said E F to appear and answer to the above complaint of the said

When and where you shall make known to the said Court or Justice how you have executed this writ:

Witness

Judge of said Court.

or a Justice of the Peace in and for said county, at
 , the day of , in the year of our Lord
 the , and of Texian Independence
 the

Which attachment shall be signed and sealed by the Judge or Justice or clerk granting the same; and the bond to be given in obtaining such attachments, shall be in the following form, to wit:

Know all men that we, and
 all of the county of , (as the case may be) are
 held and firmly bound unto in the sum of
 , his certain attorney, executors, administrators or assigns; for which payment well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors and administrators jointly and severally, firmly by these presents, sealed with our seals, and dated the
 the day of , in the year of our Lord

The condition of this obligation is such, that whereas the above bounden
 hath, the day of the date hereof, prayed an attachment at the suit of , against the estate of the above named
 named , for the sum of

, and hath obtained the same returnable to the Court of to be holden at on the day of next, or

Now if the said shall prosecute his suit with effect, or in case he fail therein, shall well and truly pay and satisfy unto the said all such costs and damages as shall be recovered and awarded against the said

, his heirs, executors or administrators, in any suit or suits which may be hereafter brought, for wrongly suing out the said attachment, then the above obligation to be null and void, otherwise to remain in full force and effect.

Provided, nevertheless, That no attachment is to be abated for want of form, if the essential matters set forth in the foregoing precedent shall be set forth in the said attachment.

Sec. 5. Be it further enacted, That a writ of attachment may issue in all cases against the property of a debtor legally subject to the process of attachment, although the debt or demand of the plaintiff be not due; which attachment shall be a lien on the property attached until such debt or demand becomes due, when judgment shall be rendered and execu-

tion issued. But if the property so attached be of a clearly wasting or perishable nature, then the same shall be sold, giving a credit on the same until the debt or demand of the plaintiff becomes due, or the purchasers giving bond with security for the payment of the purchase money, which bond shall be lodged with the other papers in the cause; and if the money is not paid at the expiration of the time given, the clerk or justice shall execution against the principal or security, or either of them, and the money when collected shall be paid into the hands of the clerk or justice, to abide the final decision of the cause.

Sec. 6. Be it further enacted, That when any estate attached shall, on the oath of the plaintiff, his or her attorney or agent, or other creditable person, be certified to any judge or justice of the peace to be likely to waste or to be destroyed by keeping, and if the person to whom it belongs, his or her attorney, agent or factor, shall not within twenty days after the levy of the attachment replevy the same, then such estate shall by the order of said judge or justice, be sold at public vendue by said officer, he having first advertised said sale at the court house, and two other public places in his county, at least fifteen days previously, and the officer shall within five days after such sale, return the order of sale to the court or justice to which the attachment is returnable, with his proceedings thereon, and also at the time of making such return shall pay over into the hands of the clerk or justice all money arising from such sale which money shall be subject to the judgment on the attachment. Any officer failing to return such order of sale as above directed, shall be liable to either the plaintiff or defendant, as officers are for failing to return writs of venditioni exponas; and any officer who after the expiration of the time allowed for paying the proceeds of the sale, shall neglect or refuse to pay the same on the demand of the clerk or justice, shall be subject to the like proceedings at the instance of the clerk or justice, as officers are for failing to pay over money levied upon a fieri facias.

Sec. 7. Be it further enacted, That when any person being a non-resident of this Republic is indebted to any person also a non-resident, either by judgment, note or otherwise, and removes his or her property into, or holds property in this Republic which would be subject to attachment for the benefit [of] a resident of this Republic, the same shall be extended to such non-resident, as is by law secured to persons residing

within this Republic: Provided, That such non-resident shall give good and sufficient security residing in this Republic, to be approved of by the judge of the county court, or any judge or clerk of the circuit court, for the amount, and with the like condition as required in other cases; and that in addition to the oath now required by law, such non-resident plaintiff, his agent or attorney, before obtaining any such attachment as is authorized by this act, shall swear that the defendant against [whom] such attachment is sued out, has not sufficient property within the knowledge or belief of such non-resident plaintiff, his agent or attorney, wherefrom to satisfy such debt or demand: And provided also, that no judicial process shall be issued against the estate of any person residing out of this Republic, by any one, whether a resident or non-resident, unless such process is granted on the original attachment, or unless the leading process in the suit has been executed on the person of the defendant when within this Republic.

Sec. 8. Be it further enacted, That when two or more persons not residing in this Republic are jointly indebted, either as joint obligors, partners, or otherwise, then the writ or writs of attachment may be issued against the separate or joint estates of such debtors, or any of them, either by their proper names or by the name and style of the partnership, or by whatever any other name or names such joint debtors shall be generally reputed, known or distinguished within this Republic, or against the heirs, executors or administrators of them or any of them, and the lands, tenements, goods, chattels and effects, rights and credits of such debtors or any of them, shall be liable to be seized and taken for the satisfaction of any such debt or other demand, or may be sold to satisfy the same.

Sec. 9. Be it further enacted, That attachments may be levied on the defendants goods and chattels, and the manner of executing an attachment shall be by the officer's going to the house in which, or to the person in whose possession, the defendant's goods and chattels are supposed to be, and then and there declaring in the presence of one or more creditable persons of the neighborhood, that he attaches the said goods or other effects; from and after which declaration the goods, money and effects, so attached, shall remain in the custody of the officer levying on the same, unless the defendant, his or her agent or attorney, or some other person, replevy the same

by giving bond and security in double the amount of the plaintiff's demand, conditioned that if the defendant be condemned in the action, he shall return the specific property attached, and in case he fail to do so, the securities will do it for him; or unless claim be made to the property levied on, and bond given to try the right of the same, as in other cases on which the same proceedings may be had as in trials of the right of property taken by virtue of a *fieri facias*; in which cases the officer shall suffer the property to remain in the possession and at the risk of the defendant or claimant. And the said replevin bond or bonds for trial of the right of property, shall be lodged with the clerk or justice where the attachment is returnable; and should any such bond be forfeited, according to its conditions, the officer taking the same shall forthwith enter thereon the necessary endorsement of forfeiture, and the clerk or justice shall immediately issue execution on the same against all the obligors therein: which duties of clerks and other officers shall be performed under all the penalties and responsibilities attached to their respective offices: Provided, That for satisfactory cause shown, any of the judges may provide such execution either wholly or in part, and upon such security as the judge granting the same may think proper.

Sec. 10. Be it further enacted, That whenever any officer may be required to levy an attachment, such officer may require the plaintiff in the attachment to execute to him a bond of indemnity, in order to secure such officer if it should afterwards appear that the property levied on does not belong to the defendant.

Sec. 11. Be it further enacted, That any person against whose estate an attachment has issued, his or her attorney, agent or factor, may at any time before final judgment entered, or a writ of inquiry executed, upon giving special bail in double the amount of the debt, replevy the estate so attached, and plead to [the] issue, so that the plaintiff is not thereby delayed of his trial: Provided, That the defendant shall not be required to give special bail before he is admitted to appear and plead.

Sec. 12. Be it further enacted, That if the inhabitant of any other Government have no goods or chattels within this Republic, but has lands within it, the sheriff shall execute such attachment upon his lands or tenements, agreeably to the provisions of the act concerning executions. And in case of the

death of any debtor residing out of the limits of this Republic having lands or other property therein, the creditor resident within the Republic shall in like manner be entitled to recover by attachment against the executors and administrators, and execution shall issue accordingly against the property so left within the Republic.

Sec. 13. Be it further enacted, That the person whose goods or effects are attached, shall be called the defendant in the attachment, and the person in whose possession they are attached shall be called the garnishee.

Sec. 14. Be it further enacted, That when any officer shall serve an attachment in the hands of any person supposed to be indebted to, or supposed to have any of the effects of, the defendant, he shall at the same time summon such person as a garnishee, in writing, to appear at the court or before the justice where the attachment is returnable, on the first day of the first term of the court, if returnable to court; or at the time of the return of the attachment, if returnable before a justice of the peace; there to answer upon oath what he or she is indebted to the defendant, or what effects of the defendant he or she has in his or her possession, and had at the time of serving the attachment, and what effects of the defendant there are in the hands of any other, and what person, to his or her knowledge or belief. And it shall be lawful upon his or her appearance and examination to enter up judgment and award execution against such garnishee, for all sums of money acknowledged to be due to the defendant from him or her, and for all effects of any kind belonging to the defendant in his or her possession or custody, for the use of the plaintiff, or so much thereof as may be necessary to satisfy the debt and costs, and all charges incident to levying the same. And all goods and effects whatsoever in the hands of any garnishee, belonging to any defendant, shall be liable to satisfy any plaintiff's judgment, and shall be delivered to the officer serving the attachment.

Sec. 15. Be it further enacted That when any garnishee shall be returned by the officer, summoned in the manner aforesaid, and shall fail to appear and discover on oath, as is by this act directed, it shall be lawful for the court, and it is required after calling the garnishee, to enter a conditional judgment against him, upon which a scire facias shall issue against such garnishee, returnable to the next term of the court, to shew cause why a final judgment should not be en-

tered against and upon said scire facias, being duly executed and returned, if such garnishee shall fail to appear according to the mandate thereof, and discover on oath in manner aforesaid, the court shall confirm such judgment, and award execution for the plaintiff's whole judgment and costs.

Sec. 16. Be it further enacted, That when the attachment is returned before a justice of the peace, the garnishee shall be required to appear at the return of the attachment, and answer upon oath as in the foregoing section; and in case any garnishee so summoned shall fail to appear and answer as above required, the justice shall enter judgment by default against such garnishee; and if the garnishee appear and answer within ten days, said judgment shall be set aside, and such judgment entered as the justice of the case requires; but if the garnishee fail to appear within ten days after judgment by default, the justice shall issue a second summons commanding the garnishee to appear at a term certain, and if the garnishee fail to appear at said time, final judgment shall be entered against him for the amount of the plaintiff's demand and costs of suit, upon which execution shall issue.

Sec. 17. Be it further enacted, That in all cases when any garnishee shall have in his possession any property belonging to the defendant, or be indebted to him in any specific property, he shall be at liberty at any time within twenty days after judgment entered against him as garnishee, to deliver the same to the officer serving the attachment or holding the execution, in discharge of himself, and the same shall be sold to satisfy the judgment against the defendant; and it shall be the duty of the proper officer to demand the property deposited to be due from or in the possession of any garnishee, at the usual place of residence of such garnishee, within a reasonable time after the final judgment rendered.

Sec. 18. Be it further enacted, That if upon the examination of any garnishee, it shall appear that there is any of the defendant's estate in the hands of any other person who has not been summoned, or that any other person is indebted to the defendant, the court or justice shall, upon motion of the defendant, grant a judicial attachment, to be levied in the hands of such person or persons so holding property of, or indebted to the defendant, who shall appear and answer, and be liable as other garnishees.

Sec. 19. Be it further enacted, That the defendant may in all cases show by competent testimony that a garnishee is indebted to him in a greater amount than he is willing to admit on oath.

Sec. 20. Be it further enacted, That the plaintiff wishing to controvert the garnishee's answer, may do so by making oath that he believes the same to be incorrect, whereupon an issue shall be formed and tried as in other cases.

Sec. 21. Be it further enacted, That every garnishee shall be allowed out of the effects attached, reasonable satisfaction for his attendance, and where no goods are attached, the same shall be taxed against the party causing such garnishee to be summoned.

Sec. 22. Be it further enacted, That all laws heretofore passed on the subject of attachments, except such as relate to the powers of courts over defaulting suitors and officers, and in enforcing their orders, judgments and decrees, are hereby repealed.

JOHN M. HANSFORD,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved, January 28, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION.

For the relief of Nathaniel Townsend.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled. That the second auditor be and he is hereby authorized to audit the claim of Nathaniel Townsend, for one hundred and seventeen dollars and thirty-three and a third cents, for articles furnished the first Congress while at Columbia, as per vouchers.

JOHN M. HANSFORD,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

Supplementary to a joint resolution for the relief of James Anson Dunn, passed during the present session of Congress.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Joint Reso-

lution for the relief of James Anson Dunn be so construed as to allow him bounty land for his services from the eighth day of February, eighteen hundred and thirty-seven, up to the twenty-eighth day of December of the same year, inclusive.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 28, 1839.

MIRABEAU B. LAMAR.

AN ACT

Securing Patent Rights to Inventors.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That any citizen of this Republic, or alien who may have legally declared his intention of becoming a citizen of this Republic, may by application to the Secretary of State, secure a patent right for any new and useful art, machine, instrument or composition of matter, liberal arts, sciences or literature, books, maps or charts, or any new and useful improvement of the same which he may have invented or discovered.

Sec. 2. Be it further enacted, That it shall be the duty of the applicant to deposit in the office of the Secretary of State, a description, model or drawing, of the machine or instrument which he has invented or improved, and also full written instructions as to the most suitable materials, manner of constructing, and rendering useful such improvement.

Sec. 3. Be it further enacted, That the applicant shall in all cases make oath before the Secretary of State, that he believes the art, machine, instrument or other improvement, or invention or discovery which he claims, to have originated with himself, and that to the best of his knowledge and belief its use would be beneficial to the community, and that a mod-

el or drawing, specifications and description, would enable a mechanic or other person of suitable occupation, to make, construct, and to put into successful operation, such improvement or discovery.

Sec. 4. Be it further enacted, That it shall be the duty of the applicant to pay the sum of thirty dollars for the use of the Republic, to the Secretary of State, for the use of the Republic; which payment, in addition to a compliance with the foregoing sections of this act, shall entitle him to a patent right for such invention, discovery or improvement, for the term of fourteen years: **Provided, That the residence of the patentee or his agent shall continue in this Republic during that time.**

Sec. 5. Be it further enacted, That nothing herein contained shall confer any rights to persons who are not really original inventors or improvers in some useful branch of industry, and that any individual who may obtain a patent for any improvement or discovery which may be or have been previously in use in this or any other country longer than two years, on proper proof being made of the fact, such patents shall be wholly invalidated.

Sec. 6. Be it further enacted, That any individual or individuals who shall or may violate the rights and privileges granted to any patentee by this act, or that may be granted by law, shall be liable to the said patentee in damages, which damages shall be assessed by a jury under the direction of the court, and shall be in all cases double the amount of damages specially proven, and in addition a fine of five hundred dollars for the use of the Republic, for each offence. Said action shall be brought in the District Court, as provided by law in other civil cases, and the patentee shall be entitled to all remedial process known to the law upon good cause shown, as in other cases.

Sec. 7. Be it further enacted, That the Secretary of State be, and he is hereby authorized and required to attach a bureau to that department to be called the Patent Office, wherein all the specimens, moulds, models and devices, of all new inventions or discoveries which may be presented, with the descriptive instructions of the patents, and they shall be considered as forming a part of the national archives; and the chief clerk of the Secretary of State shall discharge the duties of that office, and for the discharge of the duties of said

office he shall, in addition to his present salary, be entitled to and receive five hundred dollars per annum.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 28, 1839.

MIRABEAU B. LAMAR.

AN ACT

Authorizing the County and District Courts to render judgment when the verdict of the Jury is less than the jurisdiction of the same in certain cases.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in any action of assumpsit or debt in any County or District Court of this Republic, if the plaintiff or plaintiffs shall prove his or her or their demand, for any sum within the jurisdiction of the Court in which such action is brought, and the defendant or defendants shall prove a set-off, and the finding of the jury shall be a sum not within the jurisdiction of the court, it shall be the duty of said court to render judgment for the sum so found, whether such finding of the jury be in favor of the plaintiff or plaintiff's, defendant or defendants.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage; and all laws that may in any manner contravene the provisions of this act, be and the same are hereby repealed.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Amending an act supplementary to an act entitled an act to reduce into one act and to amend the several acts relating to the establishment of a General Land Office.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the chief justices of counties, the associate justices, and the county clerks, of each and every county of this Republic, shall be and they are hereby constituted boards of Land Commissioners for their respective counties; the chief justice shall be president, and the county clerks shall be the clerks, to said boards.

Sec. 2. Be it further enacted, That the said boards of Land Commissioners shall be governed by the same laws, and be entitled to the same emoluments, as provided for the government of the boards of Land Commissioners in the act to which this is a supplement: Provided, That the clerks shall receive two dollars, and the balance shall be equally divided between the members of the board present.

Sec. 3. Be it further enacted, That it shall be the duty of the clerks of the present boards of Land Commissioners to deliver over to the clerks of the boards contemplated in this act, (so soon as they are organized,) all the records and papers they may have in their possession relating to the transactions of said board, and the presidents are hereby required to pay over to the secretary of the treasury all monies they may have received as treasurers to said boards.

Sec. 4. Be it further enacted, That this act shall take effect from and after the second Monday of January, eighteen hundred and thirty-nine, and shall continue in force to the second Monday of January, eighteen hundred and forty, and no longer.

Sec. 5. Be it further enacted, That all laws and parts of laws conflicting with the provisions of this act be, and the same are hereby repealed.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Requiring the Secretary of the Navy to have surveyed the Bars and Passages of the Bays and Harbors of Texas.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Navy is hereby authorized and required to have surveyed as soon as practicable the bars and entrances of the Sabine, Galveston, Velasco, Pass de Cavallo, and Aransas, and have placed at each a good and sufficient buoy or buoys, in such manner that the channels of the aforesaid bays may at all times be plainly indicated, together with such instructions, bearings with land marks, courses and distances, as may aid the entrances of marines with all possible facility into our ports.

Sec. 2. Be it further enacted, That the inside bars and channels of the bays of Sabine, Galveston, Matagorda, La Bacca, Aransas and Corpus Christi, be staked or buoyed, as the nature of the navigation may require in the bays.

Sec. 3. Be it further enacted, That any person or persons who may destroy, remove or displace, any buoy or buoys, stake or stakes, on conviction thereof shall be fined in the penal sum of one thousand dollars, and imprisoned six months in the county goal.

Sec. 4. Be it further enacted, That the sum of twenty thousand dollars, or so much thereof as may be necessary, be and is hereby appropriated to carry the aforesaid act into effect; and the Secretary of the Treasury is hereby authorized to pay to the Secretary of the Navy this amount, for the aforesaid purpose; and that on completion of the work it shall be published in the New Orleans Bulletin, the Texas Telegraph, and Intelligencer of Texas, for three months.

JOHN M. HANSFORD,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

To prevent Clerks or Deputy Clerks, from becoming Administrators in certain cases.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, it shall be, and is hereby declared unlawful for any clerk or deputy clerk of the District Court, the County Court or the Probate Court, to receive letters of administration from the Probate Court of the county in which the said clerk or deputy may reside: Provided, That said clerks shall not be deprived of this right when they are the sole heirs of an estate.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Declaring certain children legitimate, therein named.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Thomas, William and Martha Orr, sons and daughter of George Orr and Priscilla Barwich be, and are hereby declared, legitimate children, and capable in law of inheriting their parent's property, in the same manner as if they had been born in lawful wedlock.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

To require the plea of "non est factum," to be filed under oath in certain cases.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in all cases in which a suit has been instituted for the recovery of an amount due upon any bond, bill, promissory note, contract or other writing obligatory, and such suit is now pending in any of the courts of this Republic, or in cases in which any such suit shall hereafter be instituted, the execution of the instrument shall be regarded as proved, and the plea of "non est factum," shall be considered as unavailing, until the defendant, or in case there be more defendants than one, at least one of them, shall have made oath before the court in which the case is pending, that he or they never executed the said instrument, nor authorized any person to execute it for him or them.

Sec. 2. Be it further enacted, That all laws and parts of laws contrary to the provisions of this act be, and the same are hereby repealed, and this act shall be of full force and effect from and after its passage.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

Allowing pay for copying the Journals of the Senate, for the Fall and Spring Sessions of 1837 and 1838.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Richard R. Wilkins be allowed out of the contingent fund of both Houses, at the rate of fifteen cents per hundred words for recording the journals of the Senate of the fall and spring session of eighteen hundred and thirty-seven and thirty-eight, as has here-

tofore been allowed for recording the same, and that the certificate of the Secretary of the Senate shall be a sufficient voucher for the auditor to audit the same.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

For the relief of certain persons therein named.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Stock Commissioner be, and he is hereby directed to issue certificates of the Funded Debt of this Republic, with interest at ten per cent, from the twenty-second of April, eighteen hundred and thirty-six, to the following named persons, for the amounts affixed to their names respectively, viz: To Samuel Swartwout, two thousand dollars; George and Edward Curtis, one thousand dollars; Charles St. John, two hundred dollars; Eli Hart, five hundred dollars; D. Henderson, two hundred dollars; D. S. Gregory, two hundred dollars; W. H. Jessup, two hundred dollars; J. D. Curtis, five hundred dollars; Willis Hall, two hundred and fifty dollars; J. Watson Webb, two hundred and fifty dollars; Thomas E. Davis, five hundred dollars; S. M. Stillwell, five hundred dollars; Daniel Jackson, five hundred dollars; Samuel K. Childs, two hundred and fifty dollars; Eben Jesup Jr., five hundred dollars; Joseph Fowler, five hundred dollars; D. Casletto assignees five hundred dollars; J. L. & S. Josephs & Co., five hundred dollars; Morgan L. Smith, five hundred dollars; Joseph Kent, eight hundred dollars; Asa P. Ufford, five hundred dollars.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of James Gourly.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That James Gourly, esquire, is hereby invested with the legal rights to demand and receive from the Board of Land Commissioners of the county of Harrisburg, a certificate for a league and labor of land, to be located on any of the vacant lands of this Republic, on the same terms as emigrants of eighteen hundred and thirty-five.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

Authorizing the President to open a trade between the inhabitants of Western Texas, and the Mexicans on the Rio Grande.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and he is hereby authorized to give every encouragement and support in his power, (compatible with the safety of the country.) to the trade between the Western settlements of our Republic, and those of the Mexican Government on the Rio Grande.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Supplementary to an act Incorporating the city of San Antonio, and other towns therein named.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That so far as relates to the town of Gonzales, no person shall be allowed or entitled to vote for or be eligible to fill any office in the Council of said town, who shall not be at the time of the election, the owner of real estate, or actually paying rent within the incorporated limits of said town, and who shall not have resided therein six months previous to the election: Provided, That the Mayor and a majority of the Aldermen shall be bona fide owners of real estate within said limits.

Sec. 2. Be it further enacted, That the Chief Justice of the county of Gonzales be, and he is hereby required to order an election for Mayor and Aldermen of the town of Gonzales, to be holden as soon after the promulgation of this act, as may be possible.

Sec. 3. Be it further enacted, That in no case shall the corporation or Councils of the towns of Gonzales and Victoria sell, change, cut or in any way alter, any street or public square heretofore laid off in said towns.

Sec. 4. Be it further enacted, That if a vacancy should at any time occur in the office of Aldermen of the city of San Antonio, or of any town incorporated by the act incorporating the said city of San Antonio, the board of Aldermen shall have power to fill said vacancy; and should the office of Mayor become vacant, the Chief Justice of the county shall be and he is hereby authorized to issue forthwith a writ for a new election, to be holden on a day mentioned in said writ; and should the regular annual elections in the aforesaid towns not be holden upon the day prescribed by law, it may be holden at any time, five days notice thereof being given.

Sec. 5. Be it further enacted, That the corporation of the city of San Antonio, the corporations of the towns of Gonzales and Victoria be, and they are hereby authorized to appoint and constitute such officers, with the regulation of their compensation as may be necessary; and the officers so appointed may be removed at the pleasure of the board, and may be required to give bond with security to the Mayor, in such pen-

alty as may be deemed requisite, and shall perform such duties as may be enjoined upon them, and shall be liable for such fines for neglect of duty as may be imposed upon them.

Sec. 6. Be it further enacted, That the provisions of this act shall extend to the towns of Goliad, Fort Preston, San Patricio, Refugio and Nacogdoches.

Sec. 7. Be it further enacted, That all laws and parts of laws contrary to the meaning and provisions of this act be, and the same are hereby repealed.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

To Incorporate the towns of La Grange and Ruttersville.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the citizens of the town of La Grange, in Fayette county, be and they are hereby incorporated and formed into a body politic and corporate, under the name and style of the corporation of La Grange, and shall have the same privileges and be subject to the same regulations and restrictions as are conferred and imposed upon the citizens of the city of Richmond, by an act incorporating the same, passed and approved November 18th, 1837.

Sec. 2. Be it further enacted, That the citizens of the town of Ruttersville be organized in the same manner, and be governed by the same law, as mentioned in the first section of this act: And further provided: That the Chief Justice for the county of Fayette be authorized and required to order an election to be held in each of said towns, under the superintendence of a Justice of the Peace, for the purpose of electing a Mayor, Constable and five Aldermen, for each place; which

first election shall be held on the first Monday in March next.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Fixing the salary of the Texian Minister at France.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury be, and he is hereby required to allow to J. P. Henderson, an outfit of four thousand five hundred dollars, as Minister to France.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

For the relief of the heirs of William A. Hurd.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Second Auditor be, and he is hereby authorized and required to settle with the heirs of Captain William A. Hurd, or their legal representatives, under the direction of the Secretary of the Navy, upon principles of law and equity, in accordance with the existing laws at the date of said claims, doing equal justice to the claimant and the Government.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

Appropriating fifteen thousand dollars for the Post Office Department.

Whereas, by an act of the present Congress, an appropriation of twenty-five thousand dollars has been made for the Post Office Department, and as the duties of the said Department have been increased, many new routes established, and weekly mails substituted for bi-weekly, and as these increased duties have been imposed upon said Department since the appropriation of twenty-five thousand dollars was made, and as no appropriation has been made to meet the increased expenditures mentioned: Therefore, to enable the Post Office Department to execute the above mentioned duties,

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That fifteen thousand dollars be, and the same is hereby appropriated to defray the increased expenditures of the Post Office Department for the year eighteen hundred and thirty-nine, and that the Secretary of the Treasury be authorized and required to issue this amount for the purposes herein named.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Changing the time of holding the County Courts of Shelby County and Jasper County.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the first day of March next, the County Court

of Shelby county shall be holden on the first Mondays of January, April, July and October; any law to the contrary notwithstanding.

Sec. 2. Be it further enacted, That from and after the first of March next, the County Court of Jasper shall be holden on the first Mondays of February, May, August and November, in each year; any law to the contrary notwithstanding.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act to define the duties of Constables.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That if any Constable shall fail to return an execution within the time prescribed by law, or shall neglect to pay money recovered upon an execution to the counsel for the plaintiff in execution, and if no counsel, then to the party, there shall be rendered against such Constable, a judgment for the amount due on the execution, with ten per cent. damages, and also ten per cent. interest per month, until the whole amount shall be paid: Provided, That the party moving for such judgment shall give to the Constable at least three days notice before the motion is made; which judgment it is hereby made the duty of the magistrate by whom said execution was issued, on application of the party in execution, his agent or attorney, to render and to issue execution as in other cases.

Sec. 2. Be it further enacted, That in all such cases, and in all cases wherein the Constable is a party, all process shall be issued to and executed by the Sheriff, Coroner or any other Constable in the county.

Sec. 3. Be it further enacted, That the provisions of this act shall be in full force and effect from after the first day of March next.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Allowing the Attorney of the Executors of James Bowie to have the same recorded in the County of Harrisburg.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Beason P. Ravis and Alexander B. Stewart, executors of James Bowie, deceased, be authorized and empowered, by their attorney to probate the will of said James Bowie in the county of Harrisburg, as though said Bowie had died in said county; and that letters of executorship or administration may be taken out in said county, the same to be certified and transferred to San Antonio, when the settled state of the country will permit the transaction of business in the usual way.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act to facilitate the adjustment of donation claims.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after

the passage of this act, the Chief Clerk of the War Department is fully empowered to administer the necessary oath to applicants for donation land.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

Relating to Discharges.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this joint resolution, it shall be the duty of the Secretary of War, and he is hereby required, to reject all discharges of whatever description, upon application being made for their adjustment, provided there is no muster roll returned, and on file to enable him properly to dispose of the same, unless the company or field officer commanding at the time the soldier was discharged, shall have made oath to the correctness of such discharge.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

Making a permanent Seat of Justice in Robertson County.

Resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That Franklin,

in the county of Robertson be, and the same is hereby declared to be the permanent seat of justice for said county.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of a certain person therein named.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and he is hereby authorized and required to assume responsibility to the Government of Kentucky to the amount of one thousand eight hundred and twenty dollars, in Kentucky currency, and thereby release Doctor A. W. Hynes of Bardstown, Kentucky, from his bond to that Government for the above named amount; and should that Government have called, or shall hereafter call, upon said Hynes for the payment of his bond, then in that case the President is authorized to pay to the said A. W. Hynes the sum of one thousand eight hundred and twenty dollars, in Kentucky currency, or its equivalent.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act to exempt certain property therein named from execution.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from

and after the passage of this act, there shall be reserved to every citizen or head of a family in this Republic, free and independent of the power of a writ of fire facias, or other execution issuing from any court of competent jurisdiction whatever, fifty acres of land or one town lot, including his or her homestead, and improvements not exceeding five hundred dollars in value, all house hold and kitchen furniture, (provided it does not exceed in value two hundred dollars,) all implements of husbandry, (provided they shall not exceed fifty dollars in value,) all tools, apparatus and books belonging to the trade or profession of any citizen, five milch cows, one yoke of work oxen or one horse, twenty hogs, and one year's provisions; and that all laws and parts of laws contravening or opposing the provisions of this act, be and the same are hereby repealed: Provided, The passage of this act shall not interfere with contracts between parties heretofore made.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

Approving of the employment of friendly Indians in our service, and providing for their pay.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the orders of the Secretary of War, authorizing the employment of friendly Indians in our service, are hereby approved, and that such friendly Indians, who are or may be in the actual service of the Republic of Texas, shall be put on the same footing as regards pay and emoluments, as regular soldiers of the Republic; and that the President is hereby authorized and empowered to have them paid in accordance with law, out of any

monies in the Treasury, out of any money already appropriated for the defence of the country.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act to amend an act relative to Probate Courts.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all probate business heretofore pending before the primary courts, the original papers thereof, or the papers relative to each and every estate or succession, shall be forthwith transferred by the Clerk of any Court, or person in possession of said papers, to the Clerks of the Probate Courts, where the deceased had his domicil at the time of his death, or if he had no fixed domicil, then to the Clerk of the Probate Court where the deceased died, or where the majority of the property of the deceased is situated.

Sec. 2. Be it further enacted, That at the time of rendering such papers, the clerks shall make out all fees that may be due on each succession, which fees shall be collected by the respective Clerks when the successions are closed up, or when settlements are made.

Sec. 3. Be it further enacted, That any Clerk refusing to deliver up such papers when required by the Judge or Judges of the respective counties, shall be fined in the sum of one thousand dollars, recoverable on the facts being sufficiently proven before the Judge making the application; notice being first given to the said Clerk to appear at the next term of Court, and shew cause if any he have.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act for the establishing of a Post Route from San Augustine to Post Caddo.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Post Master General be, and he is hereby required to establish a weekly post Route from San Augustine to Post Caddo, via Shelbyville and Shelton's store, and a post office to be established at said Shelton's store, Thomas Bristow's ferry, Thomas Timmon's and at Post Caddo, and that it be further extended from Post Caddo to Coffee's station, Fannin county.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

To legalize the acts of certain officers therein named.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all the official acts of John Sharpe as notary public of the city of Velasco, Thomas Harvey as notary public of the town of Matagorda, and E. O. Legrand as Chief Justice and notary ex-officio of the county of San Augustine, be and they are hereby declared as valid as they would have been if the appointments had been regularly confirmed.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Legalizing the acts of the Comptroller of the Stock Fund.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all the acts of F. R. Lubbock, as Second Comptroller and Comptroller of the Stock Fund be, and they are hereby declared legal and valid, and the Secretary of the Treasury is required to allow to said F. R. Lubbock pay for the time he filled that office, at the rate of five hundred dollars per annum.

Sec. 2. Be it further enacted, That in future it shall be the duty of the Comptroller to act as Comptroller of all the Departments of the Government, where there is any necessity of a Comptroller, and an extra compensation of five hundred dollars per annum shall be allowed for the additional labor.

Sec. 3. Be it further enacted, That so much of an act entitled an act to authorize the consolidation and funding of the public debt, as fixes the salary of the Comptroller of the Treasury, at fifteen hundred dollars per annum, be and the same is hereby repealed.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act making appropriations for the Naval Service for the year, 1839.

Whereas, by an act passed and approved on the 4th day of November, 1837, the President was authorized and directed to have built, or to cause to be purchased, armed and equipped for the public service, six vessels of war, to consist of one ship or brig of about five hundred tons burthen, to mount 18 guns, two barques or brigs about three hundred tons burthen, to

mount 12 guns each, and three schooners of about one hundred and thirty tons burthen, mounting five or seven guns each; and whereas a contract has been made and concluded by the agent appointed by the President for that purpose, and the purchase of the aforesaid six vessels completed in pursuance of the law upon that subject, as will appear by a reference to the contract, and correspondence on file in the department of the Navy; and whereas it has become indispensably necessary, in order to prepare and keep in service the said vessels, as well for the protection of the coasts and harbors of Texas, as for the protection of the commerce thereof, that an appropriation be made of the sum required for that object.

Wherefore be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of two hundred and fifty thousand dollars, in the promissory notes of the Government be, and the same is hereby appropriated for the naval service of the year 1839; and that the Secretary of the Navy, with the approbation of the President of this Republic, is hereby authorized to execute drafts on the Treasury for the whole of the above sum, or any part thereof.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act to incorporate the Houston and Brazos Rail Road Company.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a company be incorporated under the name and style of the Houston and Brazos Rail Road Company, to be governed by the rules and regulations hereinafter mentioned; and under this title may transfer their rights by succession or assignment, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being

answered unto, defending and being defended, in all courts and places whatsoever, and that they and their successors may have a common seal, and may change and alter the same at pleasure; and also that they and their successors by the same name and style, shall be in law capable of holding, purchasing and conveying, any estate, real, personal or mixed, for the use of said corporation, and doing and performing all things which are necessary and common for companies of a similar nature to do, not contrary to the provisions of this charter as hereinafter enacted, or to the Constitution of this Republic.

Sec. 2. Be it further enacted, That the said company shall have the right to make turnpikes and rail roads from the city of Houston to the Brazos river, at such points as said company may agree upon.

Sec. 3. Be it further enacted, That the capital stock of said company shall be five hundred thousand dollars, to be divided into five thousand shares of one hundred dollars each.

Sec. 4. Be it further enacted, That the management of the affairs of said company shall be conducted by a board of seven directors, each of whom shall own at least fifty shares of the capital stock of said company; and four of said directors shall constitute a quorum, to do and perform all the business necessary to the successful operation of said improvements. A majority of said directors shall appoint a President from one of their own number, and fill such vacancies as may from time to time take place, from death, resignation or otherwise; and after the first election of directors, all subsequent elections of said directors shall take place in the city of Houston, on the first Monday in May of each and every year; and in case of failure to so elect said directors, the corporation shall not be dissolved for that cause, but the President and directors for the time being, shall continue in office until there shall be an election: Provided, also, That it shall be the duty of said directors to call a meeting of the stockholders at an early day, to elect the directory so omitted to be done at the regular period.

Sec. 5. Be it further enacted, That each stockholder shall have one vote for each share that he may own, and may vote in person or by proxy.

Sec. 6. Be it further enacted, That on application for shares the sum of five dollars for each share applied for, shall be deposited with the commissioners created hereafter in this

act, and the balance shall be paid at such times and upon such terms as the president and directors may designate: Provided, That not more than ten dollars on each share shall be called for at a time: And also provided, That public notice in a newspaper published at the seat of government, be given for sixty days. And in case that any of the stockholders neglect to pay any of the instalments after being thus advised, at the expiration of said term the shares, as also the previous or subsequent instalments which may have been paid, shall be forfeited for the benefit of the company, and a new subscription may be opened, or said shares may be sold to cover any deficit occasioned by the non-payment of the instalment due on said shares.

Sec. 7. Be it further enacted, That the president and directors of said company shall have authority to adopt all such rules, regulations and by-laws as they may consider necessary to carry out the objects contemplated by this act of incorporation.

Sec. 8. Be it further enacted, That Books for the subscription of the capital stock of said company shall be opened as follows: At the city of Houston under the superintendence of Augustus C. Allen and Thomas M. League; at the city of Galveston, under the superintendence of Michael B. Menard and Harvey H. Allen; at the city of Richmond, under the superintendence of ——— Lusk and James B. Miller, and shall remain open until the whole number of shares shall be subscribed for.

Sec. 9. Be it further enacted, That it shall be the duty of the commissioners at Galveston and Richmond to make returns of all subscriptions taken by them, to the commissioners at Houston, whenever they may be required to do so by the said commissioners at Houston; and whenever one thousand shares shall have been subscribed for, it shall be the duty of the commissioners at Houston to give thirty days notice in one or more newspapers published in the city of Houston, requiring the stockholders to meet in the city of Houston to choose by a majority of the votes of the subscribers, by ballot, to be delivered in person or by proxy duly authorized, seven directors, a treasurer, and such other officers as they may think necessary to conduct the business of said company, for one year, or until a new election shall be had agreeably to this act.

Sec. 10. Be it further resolved, That when the company

shall be duly organized in conformity with this act, the president and directors shall have full power to borrow money upon the faith of this charter, to accomplish the object of the present act, and may hypothecate the stock on other property real, personal or mixed, and issue certificates for the payment of the same, and also to do and perform as directors of said company, every thing necessary and proper to carry it into complete operation.

Sec. 11. Be it further enacted, That said company shall have the right to enter or to take possession of any land which may be necessary for the purposes of said road: Provided, The same shall not exceed one hundred yards in width, by paying the owner or owners of the land whatever price may be agreed upon, and should the said owner or owners of the land not be able to agree as to the price, or should the owner or owners be unable to contract, or be absent or unknown, the company may petition the chief justice of the county court of the county in which said land is situated, giving a description of the lands which they require, with the names of the proprietors, if they can be ascertained, and the said judge shall then summon the jury of six freeholders, not interested in the company, who on oath shall make a report of the value of the land so required, and upon the payment thereof by the company, either to the owner or the treasurer of the county, a good and bona fide title shall be granted by the judge, a copy of which shall be recorded in the office of the clerk of the county court of the county in which the land is situated.

Sec. 12. Be it further enacted, That said company shall have the right to occupy gratis any portion of this public domain through which said road may pass: Provided, The same shall not be more than one hundred yards wide.

Sec. 13. Be it further enacted, That if any person or persons whatsoever, shall wilfully by any means whatsoever injure, molest or destroy any part of the turnpikes or rail roads constructed by said company under this act, or any of their works, buildings, fixtures or machines or other property, such person or persons so offending, shall each of them be liable for all damages occasioned thereby, and at any time within twelve months after such offence shall have been committed: and upon conviction be fined not exceeding ten thousand dollars, or imprisonment not exceeding twelve months, or both, at the discretion of the court.

Sec. 14. Be it further enacted, That the said company may

establish on their different routes, and make use of all kinds of boats, vehicles, wagons or carriages of any nature whatever, for the purpose of transportation; that so soon as the work is completed ten miles, the said company may charge toll on the same, and no sooner.

Sec. 15. Be it further enacted, That the said company may construct bridges and make such improvements in the different rivers, bayous or creeks, as may be deemed expedient: Provided, They do not obstruct the navigation of the same.

Sec. 16. Be it further enacted, That the said roads shall be commenced within eighteen months, and finished within seven years; otherwise this charter shall be forfeited, and forever after be null and void.

Sec. 17. Be it further enacted, That this act shall not be so construed as to permit banking privileges in any form whatever, and should the same be exercised in any form or manner, this charter shall be forfeited.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act appropriating certain lands for the establishment of a general system of Education.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That each county of this Republic shall have three leagues of land surveyed and set apart for the purpose of establishing a primary school or academy in said county, which said land shall be located and surveyed by the county surveyor or his deputy, in each county, and be paid the fees now allowed under the land law, out of the county treasury: Provided, There is that quantity of good vacant land in the counties: And further provided, That said land may be surveyed in any sized tracts: Provided, That said land shall not be surveyed in tracts less than one hundred and sixty acres.

Sec. 2. Be it further enacted, That where there is not a sufficient quantity of good land that is vacant in any county, the county court of such county or counties shall be and they are hereby empowered and required to have surveyed upon any of the vacant lands of this Republic, said quantity of land, and pay the expenses of the land out of the county treasury.

Sec. 3. Be it further enacted, That when said lands are surveyed in accordance with this act, the surveyor shall return a correct description of the same, with the field notes of the survey, to the clerk of the county court, who shall record the same, and forward a transcript of the same to the commissioner of the General Land Office after it is recorded, with his certificate and the seal of office thereto attached; and when the lands so surveyed are not situated in the county for which it is surveyed, the description and field notes shall be recorded in the county where it is surveyed, as well as in the county for which it is surveyed, and forwarded to the land office as above described.

Sec. 4. Be it further enacted, That the President of the Republic be, and he is hereby authorized and required to appoint a surveyor and have surveyed on and from any of the vacant lands of this Republic, fifty leagues of land; which is to be set apart and is hereby appropriated for the establishment and endowment of two Colleges or Universities, hereafter to be created; and that the President is hereby authorized to draw upon the Treasury of this Republic for such sum or sums of money as may be necessary for defraying the expenses to be incurred by locating and surveying said lands.

Sec. 5. Be it further enacted, That said surveyor so appointed, shall make out a complete description of the land so surveyed, and a neat and correct map of the same, and deposit them, together with the field notes in the General Land Office of this Republic; and shall also take and subscribe to this oath or affirmation: I, A B, do solemnly swear, (or affirm,) that I have well and truly discharged my duties to the best of my knowledge, skill and ability, and that the field notes and description of said land are as correct as I could make them, so help me God. Which said oath is to be taken before a chief justice of the county court, and deposited in the Land Office; and the surveyors of the different counties, to survey the lands contemplated by this act, shall take and subscribe the same oath, which shall be recorded in the clerk's office of the county court.

Sec. 6. Be it further enacted, That none of the lands appropriated and set apart by this act for the purposes of education, shall be disposed of in any manner except by lease, until the expiration of three years, and none of said lands shall be disposed of by lease for a longer term than three years.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act regulating the License and Practice of Attornies.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That no person shall hereafter be admitted an attorney or counsellor at law in any court within this Republic, unless he be a citizen of the same, or has duly made his declaration of intention to become so, and is approved by such court for his good character and learning; and the name of every person admitted shall by the clerk be enrolled in a book to be kept by him for that purpose, and every person so admitted shall take and subscribe the following oath in open court, to be administered by the presiding judge of said court, to wit: I, A B, do solemnly swear, (or affirm as the case may be,) that I will demean myself as an attorney and counsellor of the courts of this Republic, according to the best of my knowledge, and with all good fidelity to the court, and that I will do justice to my clients according to my best skill and ability, and that I will support the constitution and laws of the Republic so long as I continue a citizen thereof, so help me God.

Sec. 2. Be it further enacted, That any person wishing to obtain license to practice law, shall make application to the judge of a district court, or to the chief justice of the supreme court, and on giving satisfactory and undoubted testimonials of good reputation for moral character and honest and honorable deportment, and that he is twenty-one years of age, if

in vacation, the said judge shall proceed to the examination of said applicant, and on being satisfied of his legal attainments, the judge shall give to such applicant a certificate or license, which shall expire at the next term of the court, at which time the said judge shall appoint three distinguished lawyers, who shall on a day set by the court, proceed in open court to examine the said applicant, and on their satisfaction of his legal qualifications, any two of them shall on the morning of the next day, return to the clerk a certificate of the same; and thereupon the said judge shall order the clerk to give to said applicant, a license under his hand and the seal of the court, to practice as an attorney and counsellor at law in all the courts of law and equity in this Republic.

Sec. 3. Be it further enacted, That if any person who has not already received license in accordance with laws heretofore existing on said subject, signed by said judge, legally authorized to do so, shall presume to practice as an attorney and counsellor at law in any court of record in this Republic, without a license first obtained as aforesaid, or without qualifying himself in the manner before directed, he shall for every such offence forfeit and pay the sum of five hundred dollars for every cause he shall defend or prosecute, one moiety to the use of the informer, and the other moiety to the county in which said case shall occur, to be recovered by action of debt in any court having jurisdiction of the same: Provided, That nothing herein contained shall be so construed as to prevent or deprive any citizen from the privilege of personally prosecuting or defending any suit in which he may be a party.

Sec. 4. Be it further enacted, That any person who hath already or shall hereafter be convicted of any felony, shall be incapable of obtaining such license; or if licensed, the judge of any court in which such person may practice, on proof being made to him, may, and it shall be his duty, to supersede his license.

Sec. 5. Be it further enacted, That if any attorney or counsellor at law shall be found in default, or otherwise guilty of any malpractice or misdemeanor, he may be suspended or stricken from the roll, at the discretion of the court; and if taken from the roll, unless reinstated by application to the supreme court, shall never afterwards be permitted to practice in any of the courts of this Republic.

Sec. 6. Be it further enacted, That any court of record in this Republic shall have power to fine any attorney or counsellor

at law for misbehaviour or contempt offered to such court, as in other cases of contempt, and may also require any attorney or counsellor practising in said court to give security for his good behaviour.

Sec. 7. Be it further enacted, That every attorney and counsellor receiving money for his client, and refusing to pay over the same when demanded, shall be proceeded against in a summary way, on notice before the district court of the county in which said attorney or counsellor most usually resides, in the same manner that sheriffs are liable to be proceeded against for money received, and damages not less than ten nor more than fifty per cent. per annum, from the time of receiving such money until it shall be paid, may be demanded on the principal sum received; and the attorney or counsellor so proceeded against, if convicted, shall be stricken from the roll.

Sec. 8. Be it further enacted, That no chief justice of the supreme, judges of the district, justices of the county courts or justices of the peace, sheriff, under sheriff, coroner, constables or clerks of courts, except clerks of the supreme court, who may practice in any other courts in the Republic except the supreme court, shall appear or plead as attorney for any person or persons whomsoever, in any court or record within this Republic, under the penalty of being fined for each and every such offence, by such court, the sum of five hundred dollars, to the use of the county.

Sec. 9. Be it further enacted, That no attorney or counsellor shall in any case be allowed any compensation as witness, in any case in which he shall be either attorney or counsel.

Sec. 10. Be it further enacted, That every attorney and counsellor at law practising in any court in the Republic, shall be allowed at all reasonable times to inspect the papers and records relating to any suit which he or they may have, without being constrained to take copies thereof; but no attorney or counsellor shall be permitted to take any papers out of the clerks office without the permission of such clerk.

Sec. 11. Be it further enacted, That all the rules and regulations established by the supreme and district courts for their own government and for the control of attorneys in their practice, not contrary to law, shall have the force and effect of law: Provided always, That the rules and regulations adopted by the supreme court shall be printed in pamphlet form, and twenty-five copies of the same be directed to the

clerk of the district court in each county in the Republic, to be by him distributed to the attorneys and counsellors at law in his county; and that the rules and regulations of the district court shall be printed and distributed in each county in the district in which they are adopted, in the same manner as herein provided in case of the supreme court.

Sec. 12. Be it further enacted, That all laws and parts of laws contrary to the provisions of this act shall be and the same are hereby repealed, and the provisions of this act shall go into operation, and be of full force and effect, from and after its passage.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

To authorize the Commissioner of the General Land Office to
to employ two additional clerks.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office be and he is hereby authorized and empowered to employ two additional clerks in the Land Office, at a salary not exceeding fifteen hundred dollars each per annum, and that the sum of three thousand dollars is hereby appropriated for that purpose.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 28, 1839.

MIRABEAU B. LAMAR.

AN ACT

Supplementary to an act entitled an act to raise a revenue by direct taxation.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That on the first Monday of October of each and every year, there shall be appointed by the county courts of the several counties of this Republic, in the same manner that assessors are now appointed under the above cited act, returning officers whose duty it shall be to make out and register in duplicate, complete and correct inventories of all the property situate or found within their proper counties, shewing in distinct and appropriate columns the acres of land, the number of negroes and stock of all kind, and the amount or quantity of miscellaneous articles, including all classes of property subject to taxation, not herein enumerated, belonging to each and every individual in the county; and return the same to the chief justice of the respective counties, on or before the first day of December next following their appointments.

Sec. 2. Be it further enacted, That all heads of families and all other individuals recognized by the laws of this Republic as free, and all agents or representatives of others, shall make out or procure to be made out, an inventory of all taxable property to them belonging or by them held, distinguishing between that which they hold as the agents or representatives of others, which inventory shall be subscribed and sworn to before the returning officer, who is hereby authorized to administer the following oath: I, A. B., do solemnly swear that the inventory here presented, and to which I have subscribed, is a just, true and faithful inventory of all the taxable property belonging to me, or in my possession, within the bounds of this Republic, and I do also swear that the amount herein returned as belonging to me is true and correct, and the amount returned as held by me as the agent or representative of others, is all that I hold in that capacity, so help me God. And on all lands returned as held in the capacity of agent or representative, there shall be levied a double tax.

Sec. 3. Be it further enacted, That on the first of December of each year, the chief justice of the county, in conjunction

with two other individuals, to be named by himself, and duly sworn for the faithful discharge of the duties devolving upon them, shall proceed to examine and value the registers returned by the returning officer, and assess thereupon the tax or taxes to be levied under the law of the Republic, one of which registers of each inventory shall be delivered to the sheriff of the county, and the other to the returning officer, who shall immediately transmit it to the Treasury of the Republic.

Sec. 4. Be it further enacted, That on the failure of any person or persons to pay punctually the taxes due the Government, the sheriff shall forthwith take out an execution (to be issued by any justice of the peace, if the amount of tax due be within his jurisdiction; and if it be not, by the clerk of the district court,) against the property of the delinquent or delinquents, and shall sell for cash to the highest bidder at public auction, after giving public notice for thirty days, so much of such goods or property as will pay the amount of the taxes due, and all costs, and any real estate which shall be sold under a tax execution, may be redeemed by the original owner at any time within two years from the day of sale, by paying to the purchaser double the sum for which it was sold under such execution.

Sec. 5. Be it further enacted, That if any person shall fail or refuse to make out and deliver the inventory herein by law required, when called upon by the returning officer, or if there be any goods or property of any description subject to tax, which have not been returned in the register of the returning officer, in both cases the sheriff shall value all such property thus omitted to be returned, and shall assess and collect the taxes thereupon: Provided, That the taxes in such cases assessed by the sheriff shall always be double the amount assessed upon property of the same description which was duly inventoried and returned.

Sec. 6. Be it further enacted That from and after the passage of this act, all land certificates shall be taxed as follows: Each certificate for one league and labor of land, five dollars; each certificate for less than one league and labor, and more than one third of a league, four dollars; each certificate for not less than twelve hundred and eighty acres, and not more than one third of a league, three dollars; each certificate for six hundred and forty acres, and less than twelve hundred and eighty, two dollars each; and [and] every cer-

tificate for less than six hundred and forty acres, one dollar. And any person or persons holding such certificates shall furnish a list of the same to the returning officer, in the same manner and under the same rules as are herein defined and prescribed for making out and returning inventories of other species of property; and all lists of inventories of land certificates shall set forth the dates of the certificates, by what board of land commissioners the same were issued, the names of the persons to whom they were granted, and to whom they belong at the time they are returned in the inventory.

Sec. 7. Be it further enacted, That it shall be and is hereby made the duty of the Secretary of the Treasury to cause to be made out a correct copy of so much of the registers of the returning officers as relates to the return of land certificates, and transmit the same to the Commissioner of the General Land Office, to be recorded in his office.

Sec. 8. Be it further enacted, That all laws and parts of laws contrary to the meaning and provisions of this act be, and the same are hereby repealed.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

To establish and incorporate the College of DeKalb.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be and is hereby established a college at the village of DeKalb, in the county of Red River, to be under the superintendence of James Browning, David _____, James N. Smith, Richard Graham, William _____, John H. Dyer, Jackson Titus, Hiram A. Allen, Richard Ellis, Isaac Jones, George Wright, John Fowler, Holland Coffee, and their successors, who are hereby constituted a body politic and corporate, in deed and in law, by the name and style of the trustees of the college of DeKalb; and by that name, they and their success-

ors shall and may have perpetual succession, and be able and capable in law to have, receive and enjoy, to them and their successors, lands, tenements and hereditaments, of any kind or value, in fee, or for life, or years, and personal property of any kind whatsoever, and also all sums of money of any amount whatsoever, which may be granted or bequeathed to them for the purpose of promoting the interest of the said college.

Sec. 2. Be it further enacted, That the trustees of the college of DeKalb shall and may have a common seal for the business of themselves, their successors, with liberty to change or alter the same from time to time, as they shall think proper, and that by their aforesaid name, they and their successors shall and may be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity within this Republic, and to grant, bargain, sell or assign any bonds, tenements, goods or chattels, in such manner as may hereafter be specified, and to act and do all things whatsoever for the benefit of the said institution, in as ample manner as any person, or body politic or corporate, can or may do by law.

Sec. 3. Be it further enacted, That no misnomer of the college of DeKalb, shall defeat or annul any gift, grant, devise or bequest to the same: Provided, The true interest of the parties shall sufficiently appear upon the face of the gifts, grants or will or other writing whereby any estate or interest was intended to pass to the said college; nor shall any misuser or nonuser of the rights, liberties, privileges, jurisdiction and authorities, hereby granted to the said college, create or cause a forfeiture of the charter thereof.

Sec. 4. Be it further enacted, That the first meeting of the board of trustees shall be at the said college on the first Thursday in March, 1839, when they shall proceed to elect out of their own body, a president, secretary and treasurer; the president shall have power to call extraordinary meetings of the trustees, by giving the members due notice thereof. The ordinary meetings of the board shall be on their own adjournments; seven men shall constitute a board to do business.—In case of death, removal from the country, resignation, refusal or neglecting to act, of any of the trustees, the board may at any time appoint a successor.

Sec. 5. Be it further enacted, That the trustees of the college of DeKalb, and their successors, shall have power to en-

gage a President and other professors, and all other officers necessary for the conducting the literary concerns of the college, and to displace and appoint others at pleasure; they shall have power and authority, and it shall be their imperative duty, to examine the proficiency of the students, and to make all laws and regulations (not contrary to the constitution of the Republic,) which they shall deem necessary for the good government of said college, and for promoting learning, morality and virtue, among the students; they shall take effectual care that students of all religious denominations may and shall be admitted to equal advantages, and that they receive alike fair and generous treatment during their residence thereat.

Sec. 6. Be it further enacted, That the lands, public buildings, and other property belonging to the college of DeKalb, are hereby declared to be free from any kind of public tax.

Sec. 7. Be it further enacted, That the trustees of the college of DeKalb shall have corporate jurisdiction within a half mile in any direction from said college, to suppress and abate nuisances; they shall have power to levy and exact fines upon all retailers of spirituous liquors; they shall fine any and every person or persons for each and every such person so offending within said jurisdiction, in a sum of money not less than twenty-five dollars, nor more than one hundred dollars; and said fine when imposed by the said trustees, shall be directed to any sheriff, constable, or coroner of the county of Red River, the said sheriff, constable or coroner, as the case may be, shall proceed forthwith to act as if upon an execution, to attach and sell the property of said offender to the highest bidder, sufficient to satisfy said fine, due notice being given, and the proceeds thereof, after deducting the usual fees for said officer, shall be paid over to the trustees for the use and benefit of the college.

Sec. 8. Be it further enacted, That every trustee elected or appointed by the provisions of this act, shall before entering on the duties assigned him as trustee, take and subscribe the following oath, before some judge or justice of the peace, to wit: I do solemnly swear (or affirm,) that I will faithfully discharge the duties assigned me as trustee, to the best of my skill and abilities, without partiality or affection, so help me God.

Sec. 9. Be it further enacted, That the trustees of DeKalb college shall have the power to appoint twelve honorary

members to be added to their board; and said members so appointed may take their seats at any meeting of the board, have all the power and privileges that other members have: Provided, That a quorum of the board of trustees constituted by this act shall be present.

Sec. 10. Be it further enacted, That [there] shall be granted to the trustees and their successors in office, four leagues of land, to be located on any vacant and unappropriated lands in the Republic, in tracts not less than one league square, and that the board of land commissioners for the county of Red River, are hereby authorized and required to issue certificates in tracts not less than one league square, in the name of the trustees of DeKalb college and their successors, without charging any fees for the same; and the said trustees and their successors are empowered to employ any legally authorized surveyor to locate and survey the same, and make return of his field notes, which shall be received and examined by the county surveyor in the same manner as prescribed by law, without charging any fees for the same, and the commissioner general of the land office is hereby required to issue patents for the same to the trustees of DeKalb college and their successors.

Sec. 11. Be it further enacted, That the said leagues of land are hereby given, granted and confirmed to the said trustees and their successors in fee simple, who shall have full power to alienate, sell, lease, rent or otherwise dispose of the same, and the proceeds shall be for the erection of suitable buildings for the institution, purchasing of a library, philosophical apparatus, chemical laboratory, and for the promotion of the arts, literature, and science in said institution, and for no other purpose whatever; and the respective sums due and payable the Government on which league are hereby remitted and donated to the said institution.

Sec. 12. Be it further enacted, That the San Augustine university shall have the benefits conferred by the 10th and 11th sections of the above act, and the officers of the land office of San Augustine are required to perform the same duties free of charges.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act to appoint Commissioners to take charge of the property of those engaged in the late rebellion in the county of Nacogdoches, and for other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it shall be the duty of the district attorney of the fifth judicial district to prosecute to conviction all those persons who have joined in the late rebellion, who may be now in custody, or who have absconded to avoid a trial.

Sec. 2. Be it further enacted, That Dr. James H. Starr, Peter Tipps, and Boly C. Waters, be and they are hereby appointed commissioners to take charge of all property, both personal and real, belonging to Mexicans and their associates, who joined in the late rebellion in Nacogdoches county, and who are now in prison, or who may have absconded, and that they shall have the power to lease or rent, or to appoint administrators to take charge of the same, on such terms and conditions as in their opinion may be necessary to carry out the objects and intentions of this act.

Sec. 3. Be it further enacted, That they shall make a true and faithful inventory of all the property thus taken in possession, which shall be posted up in some public place in the county of Nacogdoches, and also published in the *Red Lander*, and one furnished to the Secretary of the Treasury; and it shall be their duty to return this property to the legal owners in case it should not be confiscated; but should any of said property be confiscated or forfeited to Government by due course of law, it shall be the duty of the commissioners to sell said property on such terms as are hereinafter provided: Provided, That nothing in this shall be so construed as to effect the right of the wife.

Sec. 4. Be it further enacted, That all persons having property belonging to any person or persons who joined in the rebellion, are hereby required immediately to deliver up said property to the foregoing commissioners; and on their failure to do so, they may and shall be sued by said commissioners before the district court for such property or its value; and it shall also be the duty of said commissioners to report the names of said delinquents to the district attorney of the fifth judicial district, and they shall be indicted for such delinquency, and on conviction thereof shall be deemed guilty of a misdemeanor, and shall be

fined in a sum of not less than five hundred, nor more than five thousand dollars, at the discretion of the court.

Sec. 5. Be it further enacted, That such property, subject to sale as above provided, shall be advertised at least thirty days before the sale in five of the most public places in the county, and also in the Red Lander, and that the property shall be sold on the following terms, to wit: All amounts under the sum of one hundred dollars, cash; all sums of one hundred, and not exceeding one thousand dollars, on a credit of six and twelve months; and all sums over one thousand dollars, on a credit of one and two years; the purchasers giving their notes, with two good securities, together with a mortgage on the real property sold, which said notes shall be made payable to said commissioners or their successors; and said commissioners or their successors shall have power to sue and recover judgment on said notes, should the notes not be punctually paid at their maturity: Provided, Said land shall not be sold in tracts larger than six hundred and forty acres.

Sec. 6. Be it further enacted, That said commissioners shall have the power to take all measures necessary to carry into effect the objects of this act, and to preserve for the benefit of the Government all the property that may have been or may be confiscated or forfeited according to the constitution and laws, in said county of Nacogdoches, and to fill any vacancies that may be occasioned by the death or resignation of any of their number.

Sec. 7. Be it further enacted, That all surveys or locations made on lands occupied by persons engaged in the late rebellion, and previous to the same, whether such lands were covered by complete titles, or concessions which have not been confirmed in accordance with the laws existing under the former Government, and whether such surveys were made previous to said insurrection, or concessions that have not been confirmed, or since the same on lands that may be confiscated, are hereby declared invalid ab initio, and that the confiscated property, contemplated in this act, shall not be considered as vacant land, or subject to location, but shall be disposed of as is herein before provided.

Sec. 8. Be it further enacted, That any person who shall hereafter knowingly survey or cause to be surveyed any property that has been confiscated, or on concessions of land that may have been made to those who may have been engaged in the late rebellion, shall on conviction thereof be deemed guilty of a misdemeanor, and shall be fined in a sum not less than five hundred, nor more than five thousand dollars, at the discretion of the Court.

Sec. 9. Be it further enacted, That said commissioners shall have the power to appoint a clerk, who shall keep in a well bound book all the proceedings of said commissioners, which said book shall be open for inspection by any person at any time, record their inventories of property taken in charge, and that said commissioners shall meet as often as occasion may require, and they shall receive each, as well as the clerk, eight dollars per day, as a compensation for each day they shall serve, (but shall not remain in session more than two days in each week,) which compensation shall be paid out of the proceeds of the sales of property above provided for, on the certificate of the clerk, which certificate shall be a sufficient voucher for the money advanced on said certificates.

Sec. 10. Be it further enacted, That it shall be the duty of the commissioners to appoint a treasurer out of their number, who shall take charge of all monies arising from said sales, and shall pay on the certificate of the clerk such sums as may be necessary to carry into effect the objects of this act.

Sec. 11. Be it further enacted, That said commissioners shall take an oath before some officer authorised to administer the same, that they will faithfully discharge their duties, and shall give bonds in the sum of one hundred thousand dollars each, conditioned for the correct fulfilment of their trust, which said bonds shall be approved by the chief justice of the county, filed in the office of the clerk of the county court, and made payable to the President and his successors in office.

Sec. 12. Be it further enacted, That the proceeds of said sales shall be transmitted at least every six months to the Secretary of the Treasury.

Sec. 13. Be it further enacted, That it shall be the duty of the commissioner of the General Land Office to have translated and forwarded to the commissioners herein created, copies of all titles or concessions of land on file in his office, granted to Mexicans, and lying within the county of Nacogdoches, in order that said commissioners may ascertain what lands may be confiscated or forfeited according to law.

Sec. 14. Be it further enacted, That all laws and parts of laws contrary to this act be, and they are hereby repealed.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act defining dowers.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the widow may in all cases waive the provision made for her in the will of her deceased husband, and claim her dower, which shall be assigned her accordingly; in which case she receive no part of such provision, unless it appears plainly by the will that the testator intended it in addition to her dower.

Sec. 2. Be it further enacted, That when the estate of any testator or intestate shall be represented to be insolvent, and shall not be sufficient, both personal and real to pay the just debts, the widow of such testator or intestate shall nevertheless have a maintenance for life, to be determined by the probate court.

Sec. 3. Be it further enacted, That when any person shall die intestate, or shall make his last will and testament, and not therein make any express provision for his wife by giving and devising unto her such part or parcel of his real and personal estate as shall be satisfactory to her, such widow may signify her dissent thereto in the probate court in the county wherein the succession is opened, at any time within six months after the probate of such will; and then and in that case she shall be entitled to dower in the following manner, to wit: One third part of all the lands, tenements and hereditaments, of which her husband died, seized and possessed, which third part she shall be entitled to for life, in which said third part shall be comprehended the dwelling house in which her husband shall have been accustomed most generally to dwell next before his death; together with the offices, out houses, building, house and kitchen furniture and other improvements thereunto belonging or appertaining: Provided, That if it should appear to the court to whom application is made that the whole of said dwelling house, out houses, buildings and other improvements, thereunto appertaining, cannot be applied to the use of the widow without manifest injustice to the children and other heirs, then and in that case, such widow shall be entitled to such part thereof only as the court may deem reasonable and just.

Sec. 4. Be it further enacted, That when a husband dies intestate, or shall make his last will and testament, and not make provision therein for his wife as expressed in the first section of this act, she shall be entitled to share in the personal estate in the following manner, to wit: if there be but one child, she shall be entitled out of the residence left after paying the debts of the deceased, to one half; if there be more than one child, but not more than four, in that case she shall be entitled to a child's part; but if there be more than four children, then and in that case she shall be entitled to one fifth.

Sec. 5. Be it further enacted, That when a husband dies intestate, or shall make his last will and testament and not make provision therein for his wife as expressed in the first section of this act, and shall die without legitimate heirs of his body, or their descendants, she shall be entitled for life to one half of all her husband's estate, both real and personal.

Sec. 6. Be it further enacted, That it shall be lawful after the passage of this act, for any widow claiming dower, to file her petition in the probate court in the county in which the succession is commenced; setting forth the nature of her claim, and particularly specifying the lands, tenements, and hereditaments of which she claims dower, and praying that her dower may be allotted to her; whereupon the said court shall appoint three discreet freeholders as commissioners, connected with the parties neither by consanguinity or affinity, and entirely disinterested, who upon oath, which oath the sheriff is hereby authorized to administer, and in connection with said sheriff, shall allot and set off by metes and bounds to the said widow one third part, according to quality and quantity, of all the lands, tenements and hereditaments in said county, and shall put her in possession of the same. And when she has claim to dower to land being in different counties, she may proceed in the same court as above directed, and setting forth the county in which the lands are situated, and it shall be the duty of the clerk, under the order of the court, to transmit to the probate court in the county in which said lands are situate, a certified copy of the petition and order of the court; which papers, when received by the court of the county in which the land lies, shall be sufficient authority for said court to procure to the appointment of commissioners, who shall execute the decree of the court in the

manner provided in the first part of this section; and make return of the same to the clerk of said court, and said clerk shall under his hand and seal transmit a copy of the return of said commissioners to the court in which the succession was opened.

Sec. 7. Be it further enacted, That the court at its first term after such petition for dower is filed, shall proceed to hear and determine as to them shall seem just and right: Provided, That the party petitioning for dower shall give ten days previous notice to the executors or administrators, or children of such deceased person, or to their representatives or to their guardians if they be minors, by service as in other cases; and where there are no executors or administrators, or children or their representatives, or when the widow is the executrix or administratrix, then she shall give notice by advertisement in the newspapers published nearest the county in which the succession is carried, and once a week for four weeks.

Sec. 8. Be it further enacted, That it shall be lawful for the widow to retain full possession of the dwelling house in which her husband most usually dwelt next before his death, together with the out houses, offices or improvements, and plantation thereunto belonging, free from molestation and rent, until she shall have her dower assigned her.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an act for the collection of the amounts due on judgments of the Supreme, District and County Courts.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the rising of every court, it shall be the duty of the

clerk thereof to tax the costs of suit incurred by the successful party, and for which judgment is rendered, distinguishing between the plaintiff's attorney's and sheriff's fees, and issue execution in the following form:

The Republic of Texas to the sheriff or coroner, as the law may require, of county:

Whereas, A B, on the day of , in the year of our Lord, eighteen hundred and , at our court hath recovered against C D for debt, (if debt, designate the debt, interest and cost; or if damages, say damages, and which to the said A B now adjudged; these are therefore to command you, that of the goods, chattels and estates, of the said C D, you cause to be made the full amount of this execution, after deducting therefrom the legal fees and commissions for collecting the aforesaid amount; and that you have then this writ at the clerk's office of said court on the return day hereof, certifying how you have executed the same.

Given under my hand this day of , 18—.

T. H. Clerk.

Sec. 2. Be it further enacted, That the clerk shall keep an execution book, in which it shall be his duty to record an abstract of all the executions, together with a copy of the return of the sheriff, showing the amount, and file the same in the office, subject to the order of the plaintiff in the execution, or his attorney, and when delivered it shall be the duty of the clerk to endorse the delivery in the margin of the execution book, and to whom, which endorsement shall be recorded evidence of that fact.

Sec. 3. Be it further enacted, That should the defendant in any judgment of court be about leaving the county in which judgment may be rendered, and before rising of the court, the court shall order execution to be immediately issued, upon an affidavit being made and filed with the court of that fact.

Sec. 4. Be it further enacted, That all executions shall be made returnable within ninety days from the date of their issue, and the defendant or his agent shall have the right in all cases to designate the property, and if the defendant shall fail or refuse to designate the same, then the levy shall be made in the following manner: first on personal or moveable property, then on slaves, and then on lands.

Sec. 5. Be it further enacted, That whenever property shall have been seized by virtue of an execution, it shall be the duty

of the sheriff or other officer to advertise the same, if it be personal property, twenty days; if it be slaves or land, thirty days, by advertisements posted up, one at the court house of the county, and at least two others at two or more of the most public places in the county.

Sec. 6. Be it further enacted, That upon the day of sale the plaintiff may choose one and the defendant another appraiser, who being first duly sworn by the sheriff, shall proceed to appraise the property seized at its fair cash value, in that kind of money or paper demanded; and in case of their disagreement, then an umpire shall be appointed by the clerk or deputy clerk of the court from which the execution may have issued, or in his absence by the chief justice of the county where the sale is to be made, or in his absence by the nearest justice of the peace, which person so chosen shall be duly sworn in the manner aforesaid, and proceed to decide between the appraisers. But if either party fail to attend either in person or by agent, then and in that case it shall be the duty of the sheriff to choose an appraiser or appraisers for the absentee or absentees.

Sec. 7. Be it further enacted, That the sheriff or other officer shall then offer for sale the property to the highest bidder for cash, and if the bids amount to two thirds of the appraised value of the property, then the sheriff or other officer shall deliver up the property to the highest bidder, and on receiving the money shall execute a title to him therefor.

Sec. 8. Be it further enacted, That if the bids do not amount to two thirds of the appraised value, then the sheriff or other officer shall again advertise the same, in the manner required by this law; and on the day of sale the property shall be sold on a twelve months' credit, for whatever it will bring, the purchaser being required to give bond, with good and sufficient security, payable to the plaintiff, which bond shall be returnable to the clerk's office of the court from which the execution shall have issued, and shall have the force and effect of a judgment against the principal and the securities; and upon the maturity of the bond, if it shall not be punctually paid, execution shall issue thereon against the principal and securities, and the sheriff or other officer, by virtue of this execution, shall proceed to seize and sell sufficient property to pay the amount thereof, and costs, for cash, without appraisalment, which fact shall be endorsed on the execution.

Sec. 9. Be it further enacted, That if on the sale of the property for cash, more money shall be received than sufficient to pay the amount of the execution, the sheriff shall immediately pay over the surplus to the defendant, his agent or attorney; and if at the sale on a credit of twelve months, the property shall bring more than sufficient to pay the execution, the purchaser shall give the bond heretofore specified, for the amount of the execution, and interest up to the maturity of the bond, to the plaintiff, and shall execute a similar bond to the defendant for the surplus, upon which said bond execution may issue as aforesaid.

Sec. 10. Be it further enacted, That whenever an execution is levied upon any property, the defendant shall have the right to retain the possession of the same upon giving bonds with good security, payable to the plaintiff, in double the amount of the debt and costs, conditioned for the delivery of the property to the sheriff on the day of sale.

Sec. 11. Be it further enacted, That if the defendant shall fail to deliver the property so bonded, it shall be the duty of the sheriff to return the bond to the clerk of the court from which execution issued, as forfeited: whereupon said clerk shall issue execution against the principal and the securities on the bond for the amount of the debt and costs, upon which said execution no delivery bond shall be taken; which fact shall be endorsed by the clerk on the execution.

Sec. 12. Be it further enacted, That it shall be the duty of the sheriff to endorse on the execution the day in which it came into his hands, and if he receive more than one on the same day, and against the same person, he shall number them as received, and on failure he shall be liable to pay twenty per cent. on the amount of besides interests and costs, which may be recovered of him and his securities, upon giving five days notice that a motion will be made to this purpose at the next term of the court, from which this execution issued.

Sec. 13. Be it further enacted, That should any sheriff or other officer fail or refuse to pay over money collected under execution, when demanded by the person entitled to receive the same, he shall be liable to pay ten per cent. per month on the amount so collected, besides interests and costs, which may be recovered of him and his securities by motion before the court from which said execution issued, five days previous notice thereof being given.

Sec. 14. Be it further enacted, That it shall be the duty of

the clerks of the several courts of this Republic to keep an execution docket, in which shall be entered the names of the cases, the time at which execution issued, the amount therefor, to whom and when delivered, and the return which may be made thereon by the sheriff, which said docket shall be subject to the inspection of any person interested, at any time when required; and any clerk who shall fail to keep such a docket, or shall neglect to make the entries, shall be liable to a fine of one hundred dollars, to be recovered by the party complaining upon motion before the court, five days previous notice being given thereof.

Sec. 15. Be it further enacted, That in levying on land the sheriff or other officer shall first levy on the wild land, and lastly on the domicile and improved land; and in case the land be more than sufficient to pay the execution and costs at two thirds of its appraised value, the appraisers shall take off so much of the land at one corner of the survey as will at the aforesaid valuation, satisfy the said execution and all costs; and thereupon the sheriff or coroner, shall offer the land for sale in satisfaction of the debt, costs, &c.; and whoever will pay the said execution, together with costs and commissions, for the fewest number of acres, shall be the purchaser.

Sec. 16. Be it further enacted, That it shall be the duty of the sheriff to keep securely all property executed by him, for which no delivery bond has been given, and if any loss shall result to any party interested, by his negligence, he shall be liable to pay double the value of the property so lost, to be recovered by the party injured before any court of competent jurisdiction, by motion, five days previous notice thereof being given.

Sec. 17. Be it further enacted, That whenever a final judgment shall be rendered by any court of record of this Republic, it shall operate as a lien upon the lands of the defendant, from the day of the date of the judgment, and executions shall operate as a lien upon the personal property and slaves of the defendant, from the day on which it issues.

Sec. 18. Be it further enacted, That if any sheriff or other officer shall fail to make return of any execution received by him, which return shall be made five days before the ensuing court, to which the same is returnable, or if he shall make a false return, or shall neglect or fail to make a levy when in his power so to do, being thereto specially required by the

plaintiff, or shall fail legally to advertise and offer for sale any property levied on, he shall be liable to pay to the plaintiff in execution the amount of the debt, interests and cost, with twenty per cent. damages thereon, which may be recovered of him and his securities by motion in the competent court, upon giving five days notice thereof.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

Declaring certain children therein named Legitimate.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Lurania Odom, Richard Odom, and Martha Odom, children of David Odom, and Frances Deason, and Jacob Odom, Matthew Odom, Mary Odom, and David Odom, junior, children of David Odom and Sarah Deason, be and are hereby declared legitimate children, and capable in law of inheriting their parents' property in the same manner as if they had been born in lawful wedlock.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
S. H. EVERITT,
President pro tem. of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

The foregoing act was presented to President Houston for approval on the 4th of December, 1838, as appears from the memorandum of his private Secretary of that date, and was returned to the department of State the 28th of February, 1839, without his signature.

JAMES WEBB,
Secretary of State.

A JOINT RESOLUTION

Requiring the Secretary of the Treasury to pay to the Paymaster of the first regiment, second brigade, Texas Militia, twenty thousand dollars appropriated for men called for by General Rusk.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and required to pay to the paymaster of the first regiment, second brigade, Texas militia, the sum of twenty thousand dollars, (after he shall have given bond and security to the President and his successors in office, in double the amount of the appropriation for his faithful disbursement of said money,) out of any money in the Treasury not otherwise appropriated, which said sum was appropriated to the outfit of two hundred and fifty men, called for by Major General Thomas J. Rusk, from the second brigade, Texas militia.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

The foregoing act was presented to President Houston for approval, on the 14th of November, 1838, as appears from the memorandum of his private secretary of that date, and was returned to the department of State the 28th of February, 1839, without his signature.

JAMES WEBB,

Secretary of State.

AN ACT

To change the time of holding the fall term of the District Court in Harrisburg county, and to amend the thirty-second section of an act establishing the jurisdiction and powers of the District Courts.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That

the fall term of the District Court for the county of Harrisburg to be held in the year eighteen hundred and thirty-eight, shall be holden on the first Monday in December.

Sec. 2. Be it further enacted, That all writs, processes, and other proceedings heretofore issued and had, which were made returnable on the third Monday in September, or the fourth Monday in November, in the year eighteen hundred and thirty-eight, shall be and they are hereby made returnable to the District Court, to be held in accordance with the provisions of the first section of this act; and all parties, witnesses and jurors, are required to be in attendance upon the court as though heretofore regularly summoned.

Sec. 3. Be it further enacted, That if from any cause the jury should not be drawn in accordance with the provisions of the thirty-second section of the act establishing the jurisdiction and powers of the District Court, in case the array shall be challenged or the venire quashed, then it may be lawful for the judge to order the clerk to issue a venire facias, directed to the sheriff, returnable at such time as the court may direct, requiring him to summon the requisite number of individuals to serve as jurors, who shall be sworn as though they had been summoned in accordance with the provisions of said thirty-second section.

Sec. 4. Be it further enacted, That it may be lawful for any one of the District Judges to order the clerk to issue a venire facias requiring the sheriff to summon as many talesmen as may be necessary to constitute a second petit jury, if in the opinion of said judge it may at any time be necessary.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

The foregoing act was presented to President Houston for approval on the 28th of November, 1838, as appears from the memorandum of his private secretary of that date, and was returned to the department of State the 28th of February, 1839, without his signature.

JAMES WEBB,

Secretary of State.

AN ACT

To create and establish the county of Harrison.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all the territory comprehended within the following limits, beginning at the mouth of Murval's bayou, thence in a direct line to Norris' crossing of the Attoyac river, thence up the same to its source, or to the crossing of Trammel's trace, thence with said trace to the Sabine river, thence up the same to the Cherokee crossing, thence along the road leading to Jonesborough, to the Big Cypress bayou, thence down the road to Lake Soda, thence east to the boundary line between this Republic and the United States, thence due south to the Sabine river, thence up or down said river, as the case may be, to the place of beginning, be and the same is hereby created a new county to be called by the name of Harrison.

Sec. 2. Be it further enacted, That the said county of Harrison shall be organized in conformity with an act organizing the inferior courts, and defining the powers and jurisdiction of the same, and the county courts in said county shall be held on the third Mondays of February, May, August, and November, in each year.

Sec. 3. Be it further enacted, That the said county shall be included in and form a part of the fifth judicial district, and the district court of said county shall be held on the third Monday after the fourth Monday in April and October, and the district court shall be held in the county of Red River on the fourth Monday after the fourth Monday in April and October, and may continue two weeks, and in the county of Fannin on the sixth Monday after the fourth Monday in April and October.

Sec. 4. Be it further enacted, That it shall be the duty of the chief justice of said county, so soon as he shall receive a notice of his appointment, to proceed to give notice and hold an election at the houses of Thomas Timmons and William J. Wills for the permanent location of the seat of Justice in said county, and shall (make) returns of the result of said election to the Secretary of State.

Sec. 5. Be it further enacted, That said county shall be entitled to one representative in Congress, and shall constitute a part of the Senatorial district composed of the counties of Shelby and Sabine, and the chief justice of the county of Shelby shall be the returning officer of the district.

Sec. 6. Be it further enacted, That all civil suits which have been instituted in the county of Harrison shall be transferred in said county, and be completed in the same manner as if continued in the county of Shelby.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 28, 1839.

MIRABEAU B. LAMAR.

AN ACT

To repeal a certain act therein named.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That an act entitled "an act to authorize attachments to be issued in certain cases therein named," (approved December 18th, 1837,) be and the same is hereby repealed.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
S. H. EVERITT,
President pro tem. of the Senate.

The foregoing act was presented to President Houston for approval on the 28th of November, 1838, as appears from the memorandum of his private secretary of that date, and was returned to the department of State the 28th of February, 1839, without his signature.

JAMES WEBB,
Secretary of State.

AN ACT

Entitled an act for the permanent location of the Seat of Government.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be and are hereby created five Commissioners, to be elected, two by the Senate and three by the House of Representatives, whose duty it shall be to select a site for the location of the Seat of Government, and that said site shall be selected at some point between the rivers Trinidad and Colorado, and above the old San Antonio Road.

Sec. 2. Be it further enacted, That the name of said site shall be the city of Austin.

Sec. 3. Be it further enacted, That said commissioners or a majority of them be, and they are hereby required to select, not less than one nor more than four leagues of land for said site, and if the same cannot be obtained upon the public domain, or by individual donation, then and in that case the said commissioners shall purchase the aforesaid quantity of land from any person or persons owning the same: Provided, that the price of the land so purchased, shall not exceed three dollars per acre: And further provided, That not more than one league shall be purchased at so high a price as three dollars per acre.

Sec. 4. Be it further enacted, That if the site selected by said commissioners shall be on individual property, and said commissioners shall not be able to purchase the same as herein before provided, then and in that case they shall be and are hereby authorized and required to make application to the Chief Justice of the county court of the county in which said land may be situated; setting forth by petition the name or names of the owner or owners, where the land lies, giving a full description of the same, and the cause of their application; whereupon it shall be the duty of said Chief Justice to cause the sheriff or other officer of said county to summon six disinterested jurors, living within the county, to be and appear at the court house, on a day to be named by said Chief Justice, within not less than five nor more than fifteen days after said application is made, whose duty it shall be, after

taking the requisite oath, to be administered by the Chief Justice, to hear testimony and determine upon the value of said land; a majority of two thirds of said jurors shall be requisite to a verdict, which verdict shall be returned to the Chief Justice, and shall be final between the parties, and upon which the Chief Justice shall make his decree: Provided, always, That the owner or owners of said land shall have at least five days' notice, in the same manner and form as the law provides for defendants in other cases; all of which proceedings shall be recorded in the clerk's office of the county court, and an exemplification of the same given to said commissioners.

Sec. 5. Be it further enacted, That the fees of said Chief Justice and sheriff, and that the pay of said jurors shall be the same that the law provides for in other cases for similar services, and that the same shall be paid by the owner or owners of said property, to be collected as in other cases; and that the sheriff of said county shall be and he is hereby authorized and required to make to the Republic of Texas a deed or title to said land, which shall be recorded as in other cases, and delivered by said sheriff over to said commissioners.

Sec. 6. Be it further enacted, That said commissioners shall be notified of their election by the President, that they shall enter into bond with good security of one hundred thousand dollars each, to be approved by the President, payable to him and his successors in office, conditioned for the faithful performance of the duties of their office; that they shall take and subscribe the following oath, which the President shall cause to be administered by any officer authorized to administer the same: that "I, A B, do solemnly swear (or affirm, as the case may be,) that I will faithfully and honestly perform the duties of commissioner for the location of the Seat of Government: That I will keep secret from all and every person whatsoever, all the proceedings, actings, doings, deliberations and intentions of myself and associates, so far as relates to our proceedings as commissioners: That I will, neither directly nor indirectly, neither in my own name nor in the name of another person, neither by myself or agent, nor in connection with any other person, purchase, bargain or contract for any lands, tenements or hereditaments, within this Republic, from this time until my duties as commissioner shall have terminated." That said bond shall be filed in the office of the Secretary of State; that said commissioners

shall be authorized to draw a draft or drafts on the Treasurer of the Republic for such sum or sums of money as may be necessary for the payment of the land purchased by them, payable at such time as may be agreed on by the contracting parties; which drafts shall be signed by the commissioners and countersigned by the President; and that said commissioners shall commence their duties from and immediately after the close of the present session of Congress; that they shall discharge all the duties herein required of them; that they shall make a full and complete return and report of all their actings and doings as commissioners, to the President of the Republic, within three months from and after the time they enter on their duties as commissioners, from and after which time they shall be and are hereby forever discharged.

Sec. 7. Be it further enacted, That the said commissioners shall be, and are hereby allowed eight dollars per diem, during their term of service, one half of which shall be paid when they commence, and the other half when they close their duties; and that a draft or drafts drawn by the Secretary of State in favor of said commissioners, on the Treasurer, shall be sufficient vouchers and authority for his paying the same.

Sec. 8. Be it further enacted, That from and immediately after the election of said commissioners, the Speaker of the House of Representatives shall furnish the President the names of said commissioners.

Sec. 9. Be it further enacted, That immediately after the the President receives the report of the commissioners, it shall be his duty to appoint an agent, whose duty it shall be to employ a surveyor at the expense of Government, and have surveyed six hundred and forty acres of land on the site chosen by the commissioners into town lots, under the direction of the President, which shall be, by said agent, advertised for sale for ninety days in all the public gazettes in the Republic, and also in the New Orleans Bulletin and Picayune; and said lots shall be sold at auction, to the highest bidder, between the hours of ten A. M. and four P. M., and said sales may continue from day to day, at the discretion of the agent: Provided, however, That not more than one half of said lots shall be sold at the first sale: and that said agent shall cause to be made ten plots of said city, one of which shall be deposited with the President, one with the Commissioner of the General Land Office, one with the Texas Consul in New

Orleans, one with the Texas Consul at Mobile, and the remainder of which shall be retained by the agent at said city; and the said agent shall receive a salary of eight dollars per diem, and a reasonable sum for purchasing stationery, paying for printing, and a suitable office for the transaction of his business.

Sec. 10. Be it further enacted, That said agent shall take and subscribe the following oath, (to be administered by any one authorized to administer the same,) that "I, A B, do solemnly swear (or affirm, as the case may be,) that I will truly, honestly and faithfully discharge my duties as agent; that I will neither directly nor indirectly, by myself or agent, in my own name, or in the name of another or others, either publicly or privately, purchase, bargain or contract for more than six lots, or be in any way interested in the purchasing, bargaining or contracting for any other lot or lots, lands, tenements, hereditaments included in or appertaining to that tract or parcel of country purchased or obtained by this government for the location of the seat of government, either to take effect during my agency, or at any time thereafter, so long as my agency shall continue, so help me God." And that said agent shall give bond and security, to be approved by the President, in the just and full sum of one hundred thousand dollars, which bond shall be deposited in the office of the Secretary of State, payable to the President or his successors in office, conditioned for the faithful performance of his duties.

Sec. 11. Be it further enacted, That said lots shall be sold for one-fourth payable at the time of sale, and the balance in three equal instalments of six, twelve and eighteen months; that upon failure of any purchaser or purchasers to pay said instalments, within ten days after they become due, the property so purchased shall revert to the Republic, and such person or persons shall forfeit the sum or sums of money paid on said property; and the said agent shall issue his proclamation making known said reversion and forfeiture, and the same shall thereafter be subject to sale, as though it had never been sold; and that said agent shall receive nothing but gold and silver, or the promissory notes of the government, or any and all audited drafts against this government, for said lots; all of which said agent shall make known in his advertisements, and on the day or days of sale.

Sec. 12. Be it further enacted, That the said agent, before the sale of said lots, shall set apart a sufficient number of the

most eligible for a Capitol, Arsenal, Magazine, University, Academy, Churches, Common Schools, Hospital, Penitentiary, and for all other necessary public buildings and purposes.

Sec. 13. Be it further enacted, That said agent shall, immediately after each and every sale, report to the secretary of the treasury, and pay over to him all the proceeds of the same, and take his receipt therefor; and said agent shall be subject to the orders of the President from time to time, and shall dispose of no other property belonging to the government except that laid off into town lots, until authorized by Congress.

Sec. 14. Be it further enacted, That the President be, and he is hereby duly authorized and empowered to contract for all necessary public buildings, offices, &c., and draw on the treasurer for all such sums of money as may be necessary for the completion of the same.

Sec. 15. Be it further enacted, That the sum of one hundred thousand dollars be and the same is hereby appropriated for the purpose of carrying into effect the provisions of this act.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 14, 1839.

MIRABEAU B. LAMAR.

AN ACT

To repeal a certain act therein named.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That an act entitled an act prohibiting the bonding of duties, approved May 9th, 1838, be and the same is hereby repealed.

Sec. 2. Be it further enacted, That the repeal of the aforesaid act, take effect from and after the first day of February next.

Sec. 3. Be it further enacted, That all bonds given by the importers of foreign merchandize, for duties to the government, shall be signed by at least two citizens of the country.

whose responsibility shall be judged of by the collectors of the several districts.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate

Approved, January 15, 1839.

MIRABEAU B. LAMAR

AN ACT

To change the time of holding County Courts in the County of Robertson.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, the County Courts of the county of Robertson, shall commence and be holden in each year, on the fourth Mondays of February, May, August and November; and that all laws contrary to the provisions of this act be, and the same are hereby repealed.

JOHN M. HANSFORD,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

AN ACT

To provide for the punishment of Horse Thieves.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, every person or persons, who shall take, steal and carry away, any horse, mare, ass, mule or gelding, colt, foal or filly, knowing the same not to be his own, shall be guilty of felony, and on conviction thereof, shall suffer death.

Sec. 2. Be it further enacted, That every person who shall aid or assist in the stealing of the aforesaid description of property, or shall receive or secrete or assist in receiving of the aforesaid description of property, knowing the same to be stolen, shall also be guilty of Felony and on conviction thereof, suffer death.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 26, 1839.

MIRABEAU B. LAMAR.

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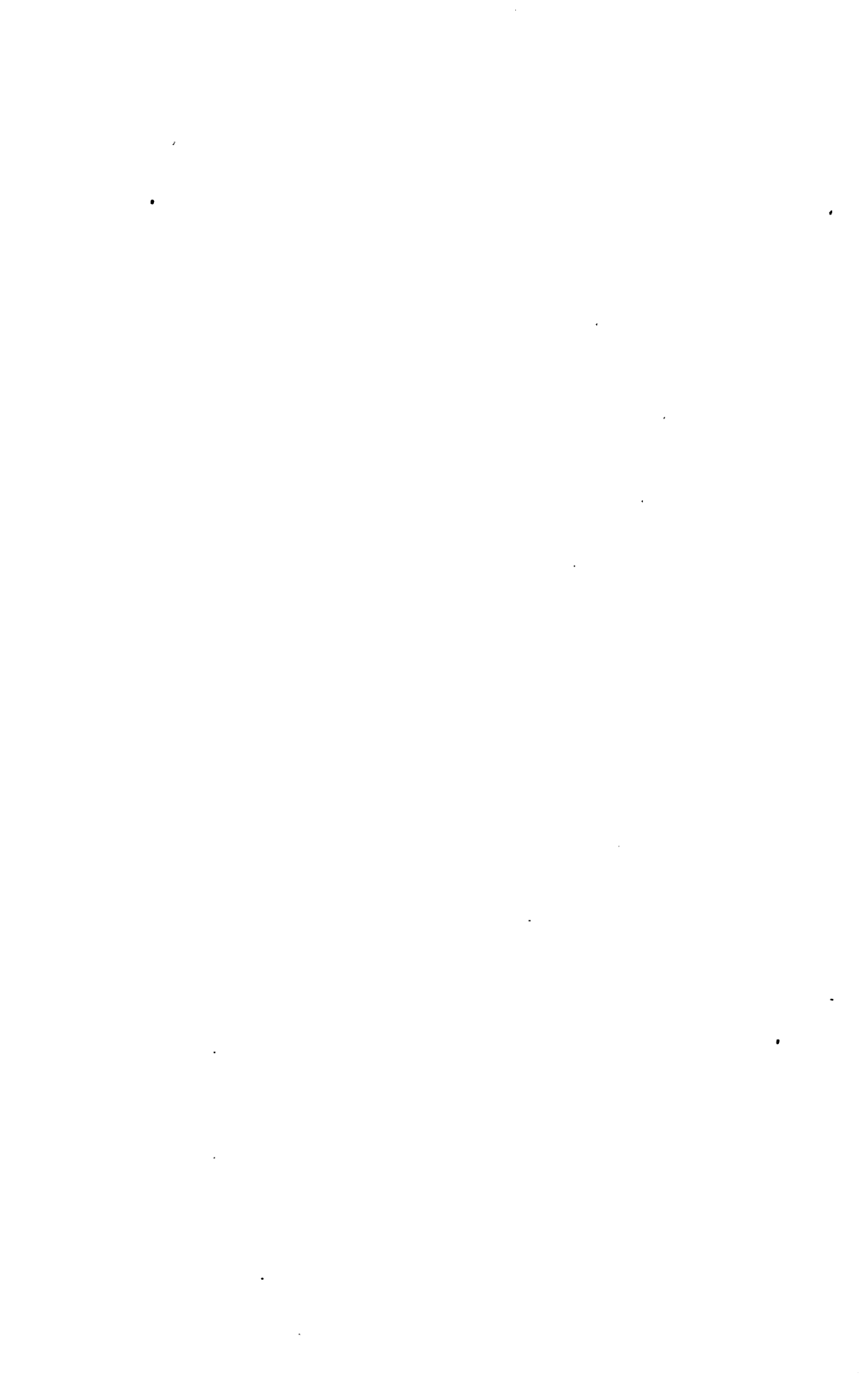
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L A W S

OF THE

REPUBLIC OF TEXAS

PASSED AT THE

SESSION OF THE FOURTH CONGRESS

PRINTED BY ORDER OF THE SECRETARY OF STATE.

IN ONE VOLUME.

HOUSTON.
1840

LAWS.

AN ACT

Providing for the better Dissemination of the Laws.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Secretary of State be and he is hereby authorized and required to contract for the publishing of the Laws of this Congress in one of the newspapers in each of the Senatorial Districts in the Republic in which any paper is published, in case the printing of the same shall not cost the Government more than three hundred dollars for each paper.

Sec. 2. Be it further enacted, That the proprietors of the papers publishing the Laws under the provisions of the first section of this act, shall be entitled to pay upon the order of the Secretary of State, and that there be and is hereby specially appropriated a sufficient amount of the Promissory Notes of Government.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved 25th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

To adopt the Common Law of England,—to repeal certain Mexican Laws, and to regulate the Marrital Rights of parties.

Sec. 1. Be it enacted 'by' the Senate and House of Representatives of the Republic of Texas, in Congress assembled, ~~That the Common Law of England~~ (so far as it is not inconsistent with the Constitution or the Acts of Congress now in force)

shall, together with such acts be the rule of decision in this Republic, and shall continue in full force until altered or repealed by Congress.

Sec. 2. Be it further enacted, That all Laws in force in this Republic, prior to the first of September, one thousand eight hundred and thirty-six (except the Laws of the Consultation and Provisional Government, now in force, and except such Laws as relate exclusively to grants and the colonization of lands in the State of Coahuila and Texas, and also such Laws as relate to the reservation of Islands and Lands, and also of Salt-Lakes, Licks and Salt-Springs, Mines and Minerals of every description; made by the General and State Governments) be, and the same are hereby repealed.

Sec. 3. Be it further enacted, That neither the lands nor slaves which the wife may own, or to which she may have any right, title or claim at the time of her marriage, nor the lands nor slaves to which she may acquire, during the coverture, any right, title or claim, by gift, devise or descent, nor the increase of such slaves in each case, nor the paraphernalia as defined at Common Law, which the wife may have at the time of the marriage, or which she may acquire during the coverture as aforesaid, shall, by virtue of the marriage, become the property of the husband, but shall remain the separate property of the wife; Provided, however, That during the continuance of the marriage, the husband shall have the sole management of such lands and slaves.

Sec. 4. Be it further enacted, That all property which the husband or wife may bring into the marriage except land and slaves and the wife's paraphernalia and all the property acquired during the marriage, except such land or slaves, or their increase, as may be acquired by either party, by gift, devise or descent, and except also the wife's paraphernalia, acquired as aforesaid, and during the time aforesaid, shall be the common property of the husband and wife, and during the coverture may be sold or otherwise disposed of by the husband only; it shall be first liable for all the debts contracted by the husband during the marriage, and for debts contracted by the wife for necessities during the same time; and upon the dissolution of the marriage, by death, after the payment of all such debts, the remainder of such common property shall go to the survivor, if the deceased have no descendant or descendants: but if the deceased have a descendant or descendants, the survivor shall have one half of such common property, and the other half shall pass to the descendant or descendants of the deceased.

Sec. 5. Be it further enacted, That parties intending to enter into the marriage state, may enter into what stipulations they please, provided they be not contrary to good morals, or to some rule of law, and in no case shall they enter into any agreement, or make any renunciation, the object of which would be to alter the legal orders of descent either with respect to themselves in what concerns the inheritance of their children or posterity which either may have by any other person, or in respect to their common children—nor shall they make any valid agreement to impair the legal rights of the husband over the person of the wife, or the persons of their common children.

Sec. 6. Be it further enacted, That every matrimonial agreement must be made by an act before a Notary Public and two witnesses; the minor capable of contracting matrimony, may give his or her consent to any agreement which this contract is susceptible of; provided such agreement be made by the written consent of both parents, if both be living; if not by that of the survivor; if both be dead, then by the written consent of the minor's guardian.

Sec. 7. Be it further enacted, That no matrimonial agreement shall be altered after the celebration of the marriage.

Sec. 8. Be it further enacted, That when the wife, by a marriage contract, may reserve to herself any property or rights to property (whether such rights be in esse or expectancy) for such reservation to be valid as to the subsequent purchasers or creditors of her husband, the said contract must be acknowledged by her husband or proved by at least one witness, and recorded in the Clerks Office of the county court of the county in which the married parties may reside.

Sec. 9. Be it further enacted, That the husband may sue either alone or jointly with his wife, for the recovery of any effects of the wife, and in case he fail or neglect so to do, she may, by the authority of the court, sue for such effects in her name.

Sec. 10. Be it further enacted, That should the husband refuse or fail to support his wife, from the proceeds of the lands or slaves she may have, or fail to educate her children as the fortune of the wife would justify, she may in either case complain to the county court, who, upon satisfactory proof shall decree, that so much of such proceeds shall be paid to the wife for the support of herself and for the nurture and education of her children, as the court may deem necessary.

Sec. 11. Be it further enacted, That if, during the coverture a sale of any of the lands or slaves of the wife be illegally

effected, no limitation shall commence to run during the coverture; and should the wife survive the dissolution of the marriage, she may sue for and recover such property; should the wife survive the dissolution, but not the time allowed by the law of limitations, then the running of such law shall cease till all the children of the deceased mother shall have arrived at the age of majority, or those under that age shall have married, and the heirs of the wife shall have the unexpired time allowed by the law of limitations, within which to institute their suit for the recovery of said property; and if the wife shall not survive the dissolution of the marriage, the law of limitations shall not commence running, as to the children of the deceased mother, until all the children shall have arrived at the age of majority, or those under that age shall have married.

Sec. 12. Be it further enacted, That all the effects which both the husband and wife reciprocally possess at the time the marriage may be dissolved, shall be regarded as common effects or gains, unless the contrary be satisfactorily proved.

Sec. 13. Be it further enacted, That marriages that may be entered into in this Republic after the passage of this law, shall be governed by the provisions of the same. The marital rights of persons married in other countries, who may remove here after the passage of this act, shall, in regard to property acquired in this Republic during the marriage, be regulated by the provisions of the same. The marital rights of persons married here before the passage of this act, or of persons married in another country, who removed here before its passage, shall be regulated by the law as it aforetime was.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 20th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

Fixing the time at which Laws passed by Congress shall go into effect, and prescribing the manner in which the same shall be promulgated.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That every Act of Congress hereafter to be made, shall commence

and be in force with the commencement of the fortieth day after the day of the adjournment of the session of Congress, at which such Acts may be passed, unless in the act itself another time for the commencement thereof be particularly mentioned, and in every case the day on which it may be passed by Congress shall be noticed in the publication next after the title of the act.

Sec. 2. Be it further enacted, That whenever one Law which shall have repealed another, shall itself be repealed, the former Law shall not be revived without express words to that effect.

Sec. 3. Be it further enacted, That as often as a question shall arise, whether a Law, passed during any session of Congress, change or repeal a law passed during the same session the same construction shall be made as would have been made if this act had never been passed.

Sec. 4. Be it further enacted, That in printing the Acts of Congress it shall be the duty of the public printer to print the same in two parts, the first to contain acts of a general nature with a separate index, and the second to contain those laws which are merely local and private in their operations, and as soon as the same shall be printed, (which it shall be the duty of the printer to do within thirty days after the adjournment of each session of Congress and there shall be two thousand copies in number,) it shall be the duty of the Secretary of State to cause one copy of the said Laws to be sent at the public expense, by mail, to the respective clerks of courts within this Republic, for the immediate use of their courts.

Sec. 5. Be it further enacted, That it shall be the duty of the Secretary of State to certify beneath the laws transmitted to the public printer, for publication, the day on which each session of Congress adjourned, and the printer shall print the same beneath the laws of a general nature of each session of Congress.

Sec. 6. Be it further enacted, That this act shall take effect from the passage thereof.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 16th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

To regulate Interest.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the distinction between legal and conventional interest shall be known and recognized by the laws of this Republic.

Sec. 2. Be it further enacted, That all written contracts ascertaining the sum due, when no specific premium of rate of interest is expressed, interest shall be taken, recovered and allowed, at the rate of eight per centum per annum, from and after the said sum is due, and payable.

Sec. 3. Be it further enacted, That the parties to any written contract, may agree to and stipulate for any premium or rate of interest, not exceeding twelve per centum per annum on the amount or value of the contract, and the same may be taken, "recovered" and allowed.

Sec. 4. Be it further enacted, That all contracts or instruments of writing whatsoever, which may, in any way, directly or indirectly, violate the foregoing provisions of this act, by stipulating for allowing or receiving a greater premium or rate of interest than twelve per centum per annum, for the loan, payment or delivery of any money, goods, wares, merchandize, bonds, notes of hand, or any commodity, shall be void and of no effect for the whole premium or rate of interest only, but the principal sum of money, or the value of the goods, wares, merchandize, bonds, notes of hand or commodity, may be received and recovered.

Sec. 5. Be it further enacted. That all judgments of the several courts of this republic shall bear interest at the rate of eight per cent. per annum, from and after the date of judgment, and the same shall be recovered and allowed, provided, however, that such judgments shall be given only upon contracts hereafter made, in which there may be no more than eight per cent. stipulated in writing.

Sec. 6. Be it further enacted. That all parts of laws, now in force, contravening the provisions of this act, be and the same are hereby repealed.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved January 18th, 1840.

MIRABEAU B. LAMAR.

AN ACT

Providing for the Appointment of Assessing Officers.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That, in all cases where, by reason of the death of the Chief Justice, or other cause, the returning officers of a county have not been appointed, agreeably to the provisions of an act "entitled an act supplementary to an act entitled an act to raise a revenue by direct taxation," approved January 26th 1839; the Chief Justice of the county shall be authorized and empowered to appoint the returning officers as contemplated in the aforerecited act, and the said returning officers thus appointed shall be required to make their returns within two months from and after the date of their appointment.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved December 13th, 1839.

MIRABEAU B. LAMAR.

AN ACT

To raise a Public Revenue by Direct Taxation.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That there shall be levied on the real, personal or mixed property within this Republic, as defined in this act, a direct tax, which shall be levied, assessed and collected in the manner and form as hereinafter provided.

Sec. 2. Be it further enacted, That there shall be appointed, in each county of this Republic, one Assessor, which appointment shall be made by the Commissioners of Roads and Revenue of the several counties, and each Assessor so appointed shall enter into a bond, with good and sufficient sureties, to the satisfaction of the Commissioners, conditioned on the faithful performance of his duties; which bond shall be required of each Assessor in duplicate, one of which shall be deposited in the office of the Clerk of the County Court, and the other forthwith transmitted to the Secretary of the Treasury; and it shall further be the duty of the Commissioners to administer to each Assessor appointed the oath prescribed for public officers, varying it to suit the duties required of such Assessor.

Sec. 3. Be it further enacted, That the appointment of Assessors, which, by the foregoing section, the Commissioners of Roads and Revenue are required to make, shall be made at the first meeting of the respective Commissioners in each of the various counties in this Republic in each year, and, if from any cause or motive whatever there should not be an Assessor appointed by the first Monday of March in each year, it is hereby made the duty of the Chief Justice of such county, failing to have a session of the Commissioners of Roads and Revenue by the beforementioned first Monday of March, immediately thereafter or so soon as practicable, to make the appointment of Assessor for such county, and take from him the duplicate bond and administer the oath as provided in the foregoing section; Provided, That the Assessor shall be appointed in each county by the first day of May, in the present year.

Sec. 4. Be it further enacted, That all heads of families or other individuals recognized by the laws of this Republic as free, shall make out, or procure to be made out, a fair, full and complete inventory of all the taxable property belonging to them; and also, an inventory of all the taxable property held by them as guardians, executors, administrators, and another inventory of all taxable property in their names, and held by them as agents or attorneys of other persons, which inventory or inventories, (as the case may be,) shall be, by the party making it, or them, subscribed and sworn to before the Assessor of the respective county, who is hereby authorized to administer the following oath: "I, A. B., do solemnly swear, or affirm, that the inventory or inventories here presented, and which is (or are) subscribed by me, contains a full and complete record of all the taxable property belonging to me, (and when held as guardians, &c., or as agents or otherwise,) as also all taxable property which I hold as guardian, executor or administrator, or held by me, and in my name as agent or representative of another person, to the best of my knowledge and belief, so help me God!"

Sec. 5. Be it further enacted, That it shall be, and it is hereby made the duty of the Assessor in each and every county of this Republic, to give notice by posting up advertisements at three of the most public places within the limits of each Captain's beat; which notices must be so arranged, as to give at least ten days' notice in each beat, that he will attend on a particular **named day or days** at the mustering ground for said beats, (if any such exist,) and if not, at the most public and central, or convenient place in said beats, allowing at least two days at each beat, then and there to require and receive from each and every

person living within that beat, a full, perfect and complete inventory of all the taxable property belonging to, or which such person may own and possess in the county or Republic; also, an inventory of all taxable property consisting of lands, lots, stocks, negroes, horses and cattle, which such person may hold as guardian, executor or administrator; and a third inventory of all lands, lots, stocks, negroes, horses and cattle, which such person may hold and possess as attorney or agent of other persons; and such inventory or inventories, (as the case may be,) must be subscribed and sworn to before the Assessor, as provided in the foregoing section; and all persons failing to make returns and inventories of their property as aforesaid, shall be deemed delinquents, and shall pay the Assessor ten dollars as a compensation for having to go to the place of residence of such delinquent for a list of his or her property; Provided, That in case of sickness or absence on business from the county, of any person having or owning taxable property as aforesaid, it shall be lawful for such person, to send his inventory or inventories of such property, as hereinbefore provided, to the Assessor, which must be sworn to and subscribed before a Chief Justice of one of the counties of the Republic; And further provided, That if the list so forwarded be for the use of the Assessor of the county in which the person resides, who makes it, and is made within such county, it will be lawful to swear and subscribe to the same before any Justice of the Peace of the county aforesaid

Sec. 6. Be it further enacted, That if any Assessor shall go to the house, or usual place of abode of any person within his county, who hath in his or her charge any property, and not find such person at home, he shall leave a written notice at the place of residence of such person, requiring him or her to give in to him, on or before the day on which the Assessor is directed to finish receiving inventories, a list of his or her property, and if such person fail to comply with the requisitions of said notice, he or she shall be considered as a delinquent and shall be double taxed, according to the best information that the Assessor can obtain, provided, when any person holds taxable property in any other county than that in which he resides, he may send to the Assessor of such county, by means of an agent, or through a friend, a list of his property in such county subject to taxation, sworn to before and certified by some Justice of the Peace; and from such representation, or agency, no construction shall be given, that it comes under the class of those which are, by this law, made subjects of double taxation: and in like manner, a list of such property as he may hold under the heads of guardians, &c., and as attorney, contemplated in the foregoing section.

Sec. 7. Be it further enacted, That the County Recorder shall furnish a register of all titles to lands which were granted under former Governments, and transfers of lands which were made under the same Governments, which titles may be of record, or which may have been filed for record in their respective counties, on the first of January of each year; which register shall state the name of the person to whom the land was originally granted, and as nearly as can be ascertained the present owner, the quantity of land expressed in the title, and if the title be a transfer-deed, and calls for an undivided interest, the amount of such interest must be expressed.

Sec. 8. Be it further enacted, That the Deputy Surveyors of every county shall make returns of all surveys made by them within three months from the date of survey, to the respective County Surveyors; and it is hereby made the duty of such County Surveyors to make a full and perfect register of all surveys, which have been recorded and filed for record, on the first of January of each year; which register shall, on the first day of February of each year, be delivered by the County Surveyors to the County Court of their respective counties; which courts shall during the first week in the month of February of each year, hand over to the Assessor of such county, the registers of land made out by the County Recorders, and also, the registers made out by the County Surveyors; whereupon the Assessor shall immediately proceed to class the land contained in the registers from the County Recorders, and value or estimate the same, bearing in mind that the lowest or minimum value of any such land is hereby declared to be one dollar per acre, and that the valuation of all land surveyed and returned by the County Surveyors, according to the registers, is hereby fixed at one dollar per acre as its minimum valuation, provided, that for the present year, the returns required for the deputy Surveyors, and from the County Surveyors shall be respectively made by them in time for the County Courts to hand them to the Assessors by the first day of June next ensuing.

Sec. 9. Be it further enacted, That the Assessor, so soon as he shall have received the inventories from the inhabitants of the county, as provided in the fourth section of this act, and also, the registers provided for in the foregoing section, he shall compare the returns made of the lands by the various individuals, who have handed in their inventories, with the registers, received from the County Courts, and if such returns shall not agree with the reports in the registers, and the difference shall be so marked and so great as to induce a belief that there has been an attempt

to defraud the revenue, it shall be and it is hereby made the duty of the Assessor to value and estimate the lands from the registers and assess the tax from them; and all persons who shall have given in a false list of his or her land, shall be considered as delinquents, and shall pay a double tax, to be levied and assessed by the Assessor, who shall also report to the County Courts all such persons so offending, in order that such further proceedings may be had against them, as the nature of the offence requires. It is further made the duty of such Assessor to form from the registers and from the inventories of various persons, a general inventory of all the taxable property of each individual in the county; which general inventory must express the quantity of land owned by such individual, and its appraised value, and also that which such individual holds as guardian, executor, or administrator, and also, that which such individual holds as attorney or agent of another person, and upon the land owned by such individuals, after being valued, there shall be levied and assessed a tax of one half of one per centum on each dollar of valuation, and the same rate of per cent. shall be levied and assessed upon that which such individual holds as guardian, executor or administrator, unless the legal heirs of such land so held be non-residents of this Republic; in which event, there shall be levied and assessed a tax of one per centum on each dollar of valuation, and upon all land which such individual holds as attorney or agent for another, the Assessor shall levy and assess a tax of one per centum on the valuation; and all other property expressed in the general inventory shall have levied and assessed upon it the specific tax which this law explicitly defines.

Sec. 10. Be it further enacted, That it shall further be the duty of such Assessor to form and make out from the general inventory, provided for in the foregoing section, a list in alphabetical order, of the names of each and every person in the county, from whom taxes are due, and on a line with the name of the person in separate columns, the quantity of land in acres under titles, the quantity in acres surveyed, number of negroes, neat cattle, horses and mules, and the appraised value of the land under titles, and one column for miscellaneous articles. one column showing the gross amount and value of tax due from such individual; on a line directly under, must appear the land and property held by such individual as guardian, executor, or administrator, expressing value and quantity, as in the first instance; and underneath that line must be set forth the land, quantity and value, held by such individual as attorney or agent for another person, so that in the event of any individual holding property

in the three different manners contemplated by this law, there shall be a separate line for each class respectively, and each to show the assessor, to draw off three perfect and exact copies of such list, to full amount of taxes due. It is further made the duty of the Assessor, of which copies of such list he must affix a certificate, that the list contains truly and faithfully a representation of all the tax due from each person in conformity with the general inventory as made from the inventories of the parties and the registers, and that a just and true estimation of the tax has been made in conformity with the provisions of this act, one of which copies so certified he shall forthwith forward to the Secretary of the Treasury, one shall be handed over to the Sheriff of the county, and the third shall be posted up in the court house and preserved for the inspection and examination of every person.

Sec. 11. Be it further enacted, That it is hereby made the duty of the Sheriff of the county, on receiving from the Assessor the list provided for in the foregoing section, to give notice, at ten or more public places in the county, that the tax due from the citizens of such county will be receivable, during the three months next ensuing, at his office in the county, and it is hereby made the duty of every person, resident of any particular county of this Republic, owning or representing, in the manner contemplated in this law, taxable property situated in any other county, or counties of this Republic, to pay the taxes which may be levied and assessed on such property, under the provisions of this act, in the county respectively where such property may be and is situated.

Sec. 12. Be it further enacted, That, during the month of November, the Sheriff of each and every county throughout this Republic, shall make his returns to the Secretary of the Treasury, and pay over to him the amount of monies which he may have collected for taxes due to the Republic, under the provisions of this law, and all those who shall not have paid their quota of taxes to the Sheriff of the respective county, when it may be due, by the time in which, under this section it is made the duty of the Sheriff to make returns to the Secretary of the Treasury, shall be considered as delinquents, and a list of them shall be made out, expressing names and amount of taxes due by each, from the list in possession of the Sheriff (which he received from the Assessor,) by an officer of the Treasury Department, under the direction of the head of that Department, and to which shall be affixed a certificate of the Secretary for its correctness, and shall then be handed to the respective Sheriff, (and a copy of it shall be published by order of the Department) whose duty it shall be, within one month after he shall have received it

from the Department, to present and deliver it to the clerk of the District court; and it is hereby made the duty of said clerk, on receiving such list of delinquents, to issue execution against the property of such delinquents, when the amount of tax due requires the intervention of that court; and such execution shall be handed to the Sheriff, who shall levy upon the property assessed or on any other property belonging to such delinquent, for double the amount of the tax and costs, from the list of delinquents furnished by the Treasury Department, the Sheriff shall draw a list of all those delinquents, from whom the amount of tax due, comes within the jurisdiction or cognizance of a Justice of the Peace, and deliver the same to that officer, who, upon receiving it, shall immediately issue execution against the property of such delinquents, and hand the same over to the Sheriff, who shall levy, as provided for under the executions to be issued by the District Courts, for double the amount of tax and costs; and if the property levied upon, under the provisions of this section, be real estate, it shall be advertised in a public newspaper for forty days previous to the day of sale; should execution be levied on personal property, it shall be advertised at three or more public places in the county for twenty days previous to the day of sale, and then sold for the amount of double taxes and costs; and if the property seized and sold be real estate, it may be redeemed at any time within two years, on payment being made of double the amount of purchase money, subsequent tax paid, and interest thereon at twenty per cent. per annum as damages and penalty.

Sec. 13. Be it further enacted, That from and after the first day of March next ensuing, there shall be collected from the owner or proprietor of any theatre or theatrical establishment in this Republic, an annual tax of two hundred dollars. Every person who shall exhibit or cause to be exhibited for emolument or pay, any museum, wax-work, feats of activity or slight of hand, or any diversion of this character, under any name whatever, shall first obtain from the clerk of the County Court a license therefor, for which he, she, or they, shall pay the sum of fifty dollars. From the owner or proprietor of every public race track, there shall be collected an annual tax of one hundred dollars. For every horse kept exclusively for racing, the sum of ten dollars; for every stud horse or jackass which may stand for the season, the price for which such stud horse or jack may stand by the season; for every horse kept exclusively for the saddle or pleasure carriage, one dollar each; for all other horses, excepting four for each farmer, or for each laboring or working man, who uses his horse in any mechanical art or branch of industry,

twenty-five cents per head; for all mules, (excepting four,) twenty-five cents per head; for all neat cattle (excepting twenty-five,) over and above the number of twenty-five, ten cents per head; for all pleasure carriages, under every name and denomination whatsoever, one dollar for each wheel. There shall be collected from the owner or proprietor of each and every unimproved lot in any incorporated city or town an ad valorem tax of one half of one per cent. on the valuation of such lot; provided, that no lot, in an incorporated city or town, shall be valued at less than fifty dollars, and all unimproved lots, in any unincorporated city or town, the same rate per cent. on the valuation, provided, that no lot shall be estimated at less than twenty five dollars; and upon all improved lots, in any incorporated or unincorporated city or town, the sum of fifty cents shall be paid on every hundred dollars value of such lots, buildings or other improvements thereon, to be estimated, by the person giving in the same, upon oath. There shall be collected an annual tax on all negroes, to be classed as follows:—one dollar per head on all under the age of fifteen years; three dollars per head on all from fifteen to fifty years of age; and two dollars per head on all over fifty years of age. On all gold watches used or kept for use, the sum of three dollars each; and on all silver watches used or kept for use, the sum of one dollar each; on all clocks kept for use, the works of which are made of metal, three dollars; on all clocks of any description, the works of which are not made of metal, one dollar each; on money loaned at interest, for every hundred dollars, fifty cents per annum: on every pack of playing cards, sold, given away, loaned or otherwise disposed of, three dollars; and a poll tax of one dollar on every white male of this Republic, twenty-one years of age and over, shall be collected. And all money collected by clerks of the County Courts, for licences, under this section, shall be, by them, paid over to the County Treasurer, so soon as such officer shall be appointed.

Sec. 14. Be it further enacted, That each merchant who sells goods, wares and merchandise, at wholesale, shall pay, for each establishment, an annual license tax of one hundred dollars; each merchant or trader, who sells and disposes of goods and merchandise, at retail, shall pay a license tax of one hundred dollars per annum; and each wholesale merchant shall further pay the sum of twenty-five cents on every hundred dollars worth of merchandise sold by him, or by them, (when trading under a firm,) and each establishment, which such merchant may have; and each retail merchant, trader, or marchand shall, over and above the license tax of one hundred dollars, pay the sum of fifty

cents on every hundred dollars worth of merchandise, of every kind or description whatsoever, sold by him, her or them, in each and every establishment which he, she or they may have, estimating the year's term between the first of March of one year and the first of March of the year following; which estimate of amount of sales of merchandise shall be given in to the Assessor, by such wholesale or retail merchant, trader or marchand, under oath; and if the person or persons vending merchandise, shall refuse to give in a list of the amount of merchandise or goods sold, on or before the first day of June annually, he, she or they, shall forfeit and pay a penalty of one thousand dollars, to be collected by the Sheriff as other taxes are collected: and be it further provided, that all retailers of merchandise, who vend wines, or spiritous liquors, cordials, &c., in quantities of a quart and over, shall pay an extra license tax, of one hundred dollars, in the same manner as the first license; and for which they must take out a separate and distinct license: and for a license to sell wines, spiritous liquors or cordials, or either of them in quantities less than one quart, he, she or they shall be subject to the provisions of the law made and provided for such cases. For each billiard table, there shall be paid a license tax of two hundred and fifty dollars per annum; each nine or ten pin alley, or any game of that kind, shall pay a license tax of two hundred dollars per annum. Each public inn or tavern, where persons are entertained and lodged for pay or hire, within the limits of any incorporated city or town, shall pay an annual license tax, of one hundred dollars: each public boarding-house shall pay a license tax of fifty dollars per annum; provided, that no boarding-house shall come under the denomination of "public boarding-house," when there shall not be a greater number of persons than five entertained with boarding, for pay or hire; and if, at any of the beforementioned establishments, the privilege of selling, or otherwise disposing of wines or liquors, shall be practised or desired, in quantities less than one quart, there shall be exacted and required the tax which the law provides in such cases; but if the quantity of wine or liquor sold, or otherwise disposed of, be a quart and upwards, there shall be exacted in addition to the license for boarding and entertaining, a tax of one hundred dollars: each keeper of a cook-shop, oyster-house, or restaurat, shall pay a license tax of fifty dollars per annum; and if the additional privilege of retailing wines and liquors be required, the additional license tax shall be exacted as provided in the cases of taverns, inns and boarding-houses; and all persons neglecting or refusing to comply with each special provision of this section, when appli-

cable, shall forfeit and pay a penalty of one thousand dollars, recoverable as in all cases of forfeiture and penalty, under the provisions of this act.

Sec. 15. Be it further enacted, That there shall be levied and collected a tax of two per centum on all goods, wares and merchandise sold at auction, to be estimated on the amount of sales; subject however to the following exceptions, to wit: when sales of goods, wares or merchandise are made, pursuant to or in execution of any rule, order, decree, sentence or judgment of any court of this Republic, or when made by virtue of an assignment for the benefit of creditors, or when made by or in behalf of guardians, executors or administrators, or made pursuant to any law of the Republic for the collection of any tax, duty, fine, penalty, or goods confiscated to the use of the Republic, or when sales are made by auction of ships or vessels, their tackle, apparel, furniture or cargoes thereof, which shall be wrecked or stranded on the coast of this Republic, and sold for the benefit of insurers, underwriters, or proprietors thereof, the tax provision shall not extend; on all sales of real estate, town lots, whether in incorporated or unincorporated cities or towns, which shall be made at public auction, there shall be collected from the auctioneer the following rates of tax: First,—When the rate of commission charged is one and one-fourth per centum, twenty-five cents on every hundred dollars of the amount of sales: Second,—When the rate is two and a half per centum, fifty cents on every hundred dollars: Third,—When the rate is three and three-fourths per centum, seventy-five cents on every hundred dollars: Fourth,—When the rate is five per centum, one dollar on every hundred dollars; and the same rate of tax shall be exacted, be the rate of commissions charged by or allowed the auctioneer, what they may; and if the auctioneer or crier be an irresponsible person, the company, owner, proprietor or agent of such real estate, or town lots as aforesaid, shall pay one dollar on every hundred dollars of the amount of sales; and in default thereof, shall forfeit and pay a penalty of two thousand dollars, to be collected by the Sheriff of the county, as tax collector, for the use and benefit of the Republic, in the most summary manner provided by law; for which purpose the clerk of the District or County Court shall issue execution, to be levied as provided in other cases of forfeiture and seizure. All goods, wares and merchandise, sold by auctioneers in this Republic, at private sale, shall be subject to the same tax as if the same were sold at public auction; and it is hereby made the duty of every auctioneer, to furnish on or before the first Monday of October in each year, (in duplicate,) a correct

statement of all sales of merchandise and of real estate, and of town lots, made by him, subject to taxes under this law, for the twelve months preceding, and hand the same to the Assessor; which duplicate statement shall be sworn to by such auctioneer and his clerk, before the Chief Justice of the county or a Notary Public, or in the absence of both these functionaries, before any Justice of the Peace of the county in which he may reside: on receiving such duplicate statement from the auctioneer, the Assessor shall hand one to the Sheriff of the county and transmit the other to the Secretary of the Treasury; on failure of any auctioneer to furnish the statement aforesaid, at or before the time required, he shall forfeit and pay for the use of the Republic, the sum of one thousand dollars; and if the Assessor has good reasons for believing that a statement so furnished is false, and does not contain the true and fair estimate of sales, he shall cite such auctioneer to appear before the Chief Justice of the county, or before a Justice of the Peace, if there be no Chief Justice, and present and display his books of accounts and record of sales; and should it appear on examination, that the statement rendered be false, such auctioneer shall for that offence, be subject to a penalty of one thousand dollars, and besides suffer such other punishment as the District Court may inflict for the offence committed: and it is hereby made the duty of the clerks of the County Courts, on application of the Sheriff of such county, to issue execution for the beforementioned penalties, which are to be levied and collected as provided in other cases; and be it further provided, That the statement required from the auctioneer on the first Monday in November next, shall comprise the time in this year, after the passage of this act.

Sec. 16. Be it further enacted, That all real estate agents or brokers, ship brokers and merchandise brokers, shall severally pay a license tax of one hundred dollars, and any individual or firm who shall exercise more than one of the foregoing professions, shall pay a separate tax for each profession; and every money broker shall pay a license of one hundred dollars, and in addition, three dollars on every hundred dollars which they may loan; and all persons who may fail to comply with the provisions of this section, shall forfeit and pay a penalty of one thousand dollars.

Sec. 17. Be it further enacted, That every hawker or pedler shall pay a license tax of twenty-five dollars to the county court in each county where he or she may vend goods, wares or merchandise; barter, exchange or sell, either absolutely or for a limited time, any clock or clocks; and if any hawker or pedler

shall sell, barter or exchange any goods, wares or merchandise, without first taking out a license, and paying for the same, as provided in this law, he or she shall forfeit and pay the sum of five hundred dollars, to be recovered in an action of debt, before any court having competent jurisdiction; one half to the use of the Republic and the other half to the use of the informer; and all bonds, notes or promises, made to any hawker or pedler, as aforesaid, the consideration of which shall be for any clock or clocks, or other goods, wares or merchandise, of any kind whatsoever, shall be utterly void, unless the party vending the same shall have first procured a license as aforesaid; and it is hereby made the duty of all Sheriffs, Constables and Justices of the Peace, whenever they see any hawker or pedler vending goods or merchandise within the limits of the counties in which such officers reside, to demand of such hawker or pedler the production of his or her license, and on failing to produce it, he or she shall forfeit and pay the sum of fifty dollars, to be recovered before any court having jurisdiction of the same, in addition to the former penalty; one half to the use of the informer, and the other half to the use of the Republic: and further, to arrest and bind over for appearance at the respective district court, all hawkers and pedlers caught selling or disposing of merchandise without license.

Sec. 18. Be it further enacted, That each and every Sheriff of the various counties of this Republic, who by this law is constituted and appointed collector of taxes for the use and benefit of this Republic, under the provisions of this act, shall previous to entering upon the duties of tax collector, make, execute and deliver to the Chief Justice or to the County Court of the respective county, duplicate bonds with good and sufficient sureties to the satisfaction of the Chief Justice of the county, which bonds shall contain a penal sum or express in obligation an amount which shall be equal to the whole amount of taxes due in the respective county of each sheriff, conditioned upon the faithful performance of his duty as tax collector, one of which bonds so made and executed, shall be by the Chief Justice transmitted to the Secretary of the Treasury; said duplicate bonds shall be in manner and form as follows, to wit: Know all men by these presents, that we, A. B., as principal, and C. D. and E. F., &c., as sureties, are jointly and severally bound unto the President of the Republic of Texas, in the just and full sum of _____ dollars, lawful money of this Republic; the object and intent of this bond and obligation, is to save and keep the Republic harmless from all loss or injuries, resulting from a dereliction of duty, or failure of strict performance and discharge

of duties by the said A. B., in his capacity of Sheriff and tax collector, under the provisions of a law passed the day of 1840; and in order that the government shall be fully and completely secured, and the responsibility of the parties to this bond manifest and certain, they hereby covenant and agree that **this bond and obligation shall have all the force and effect of a judgment, in the same manner as it could, or would have, if it had been rendered in a regular adjudicated case by a competent judge, and not appealed from, and that it shall further operate, and have the force and effect of a tacit and implied mortgage, on the property of both principal and sureties; and in case of forfeiture, by the default of the said A. B., principal, rendering it necessary to seize upon the property of the parties to this obligation and bond, and execution be levied upon real estate belonging to the parties, the sale of any and all such real estate may and shall be made without the necessity of appraisement, and may be sold to the highest bidder, for cash, after forty days notice of sale shall have been given, and should execution be levied upon personal or mixed property, no appraisement shall be necessary, and it may be sold, for cash, to the highest bidder, after twenty days notice of sale shall have been given; and furthermore, the parties voluntarily relinquish the right to all laws or parts of laws, which might be plead in their favor, or which might create delay: therefore, should the said A. B., well and truly perform the duties required of and incumbent upon him as collector of taxes for this county, and shall pay over all monies, by him collected, for the use and benefit of the Republic under this law, to the Treasury Department, then this obligation shall be null and void, otherwise to remain in full force and effect.**

Done in duplicate, at in the county of
this day of in the year of

Signed, sealed and delivered by the parties in duplicate before me.

A. B. [SEAL.]
C. D. [SEAL.]
E. F. [SEAL.]

Sec. 19. Be it further enacted, That each and every person **within this Republic, who for the exercise of any profession, business or privilege, is by this law required to procure and obtain a license, shall make an application in writing to the Treasurer of the county in which he, she or they may reside, and in which such license is wanted, setting forth plainly and concisely the objects for which a license or licenses be required, and shall pay to the said Treasurer the amount and sum which this law**

requires, shall be exacted as a license tax for the particular privilege, business or profession, practiced or desired to be practiced, held or obtained, or followed, as the case may be, which written application must be filed by the Treasurer, who upon receiving from the applicant in gold or silver, or the promissory notes of Government the amount requisite for the license or licenses, desired by such applicant, shall issue to him a receipt which shall express the sum paid and description or kind of money paid, and received by the Treasurer, and also declare what description of license or licenses the applicant desires and has paid for, and with such receipt the applicant shall apply to the clerk of the County Court, who, thereupon, shall issue to him the particular kind of license or licenses set forth in the receipt of the Treasurer as having been paid for, and the said clerk shall file such receipt as his voucher and authority for issuing or having issued such license or licenses; and it is hereby made the duty of the several clerks of the County Courts in this Republic, to keep a book in which shall be registered every license issued by them, which register shall express the name of the individual or firm in whose favor a license shall have issued, as also the character and description of license issued, and date of issue; and it is also made the duty of the Treasurer of the county to keep a register book and record the name of all applicants for license or licenses, the character and description of license applied for, amount of money paid in to him, and the date on which he issued a receipt to the applicant; and it is further made the duty of the Treasurer to pay over to the Secretary of the Treasury in all the month of November, the amount paid to and received by him for licenses; and at the same time to transmit or hand over to the Secretary of the Treasurer, a full, perfect and complete register of all applications to him made, expressing the names, and also the date of the issue of the receipt, and the amount received by him; and it shall be the duty of the clerk of the court aforesaid, to transmit to the Secretary of the Treasury a transcript of all licenses issued by him, expressing the names to whom issued, date of County Treasurer's receipt, and character and description of licenses issued; and it is hereby made the duty and obligation of both County Treasury and County Clerk, to exhibit the registers beforementioned to any citizen freeholder of their respective counties; and refusing to comply with a request for an exhibition of the books of register by any citizen freeholder, they shall severally, as the case may be, incur the penalty and forfeiture of fifty dollars, to be recovered before any judge having jurisdiction or cognizance thereof, on the complaint of any such freeholder, one half to the

benefit of the county and the other half to the benefit of any primary school in the county; and it is hereby further provided. That the Treasurers of the counties shall receive for the services which he may render in carrying out the provisions of this act, five per centum on the amount paid into his office by applicants for licenses, and the clerks of County Courts shall be entitled to receive three dollars for every license issued by them in conformity with the provisions of this act.

Sec. 20. Be it further enacted, That if any citizen or other person within the limits of this Republic, shall forge or counterfeit any license or licenses, or if any person be found practising and operating under a forged license, or using one in any way, or travel with such forged or counterfeit licenses, such person or persons shall forfeit the sum of one thousand dollars, one moiety thereof to him that shall prosecute and sue for the same, to be recovered before any court having competent jurisdiction thereof.

Sec. 21. Be it further enacted, That if any Assessor or Collector shall be sued for any matter or thing done in pursuance of the powers given in this act, he may plead the general issue, and give this act and the special matter in evidence.

Sec. 22. Be it further enacted, That the Sheriffs appointed under this law collectors of taxes, are hereby authorized and empowered to collect all arrearages of taxes that may remain unpaid to those who were formerly authorized to collect them, under the same regulations as are prescribed for the collection of taxes in other cases, on receiving therefor the necessary and proper instructions from the competent authorities for their action.

Sec. 23. Be it further enacted, That if any person or persons liable to pay taxes, may after being assessed, remove from the county in which he, she or they may have been so assessed, not having paid their taxes, the sheriff as tax collector of the county in which he, she or they may have been so assessed, is hereby required to send, certified under his hand, a transcript from his tax list, to the collector of the county where such delinquent or delinquents may be; and the Sheriff of such last mentioned county, as tax collector, is authorized upon such transcript, to proceed to make the money by distress and sale as provided in other cases, and immediately transmit the amount so made, to the Sheriff who sent the said transcript; for which services, the Sheriff making the said money shall receive five per centum as a compensation for his services.

Sec. 24. Be it further enacted, That the taxes imposed by virtue of this act, shall be preferred to all incumbrances and securities whatever; and if any person between the time of render-

ing a list of his taxable property to the Assessor, and the time at which the Sheriff as collector, is authorized to levy or make distress, shall be about to remove without the limits of his county, the Sheriff upon receiving information thereof, shall immediately make distress of the goods and chattels of the person about to remove, sufficient to satisfy the amount of taxes that he may owe, and sell the same, upon giving notice as hereinbefore directed; and all taxes assessed on any person or persons under this act, shall be a lien upon his real property, lying within the county in which the assessment was made, until the taxes be paid.

Sec. 25. Be it further enacted, That every Sheriff, who as tax collector under this act, shall sell any real estate to satisfy any tax imposed by this law, shall make and execute to the purchaser or purchasers thereof, a deed of conveyance immediately, which deed shall be good and effectual, both in law and equity; and in every such deed the Sheriff, as collector making the same, shall recite that the real estate thereby conveyed was sold for taxes, and the consideration; but no deed given in manner aforesaid, shall be recorded until the expiration of two years from the date thereof; but it may nevertheless, be proved; and if the person whose land has been sold, or his legal representative, agent or attorney, shall within the two years, tender to the purchaser, or his legal heirs, representative, or agent, and if such person be absent from the Republic, then to the Sheriff who sold the same, or to his successor in office, double the amount of purchase money, (or the amount of consideration,) and the amount which the purchaser may have paid for taxes on such real estate, and twenty per centum per annum as damages, penalty and interest thereon from the date of such payment until such tender be made, the deed given for such real estate thus sold and conveyed, shall be made void and be given up.

Sec. 26. Be it further enacted, That when any Sheriff as tax collector, shall have advertised for sale any lands or tenements to raise the taxes due, and such lands or tenements so advertised could not be sold for want of bidders, he may adjourn any such sale from time to time until the same shall be sold, and any sale made on an adjourned day shall be valid, as if the same had been made on the day fixed in the advertisement.

Sec. 27. Be it further enacted, That there shall be allowed to each Assessor as a compensation for his services, a commission of five per centum on the first two thousand dollars of the amount of taxes in his respective county, — three and one-half per centum on the next four thousand dollars, two per centum on

the next amount of six thousand dollars, and one per centum on the remaining balance of the amount of the taxes in each county respectively.

Sec. 28. Be it further enacted, That any Assessor who shall fail to return his tax list to the Treasury Department by the fourth Monday in July of each year, shall forfeit to the Republic the sum of one thousand dollars; and the certificate of the Secretary of the Treasury of such failure, directed to the Sheriff of the county wherein it may happen, shall have the force and effect of an execution, and the Sheriff shall proceed to distrain and sell as this law provides the property belonging to the Assessor or his securities, and shall account to the Secretary of the Treasury within three months after said certificate comes into his hands, or be liable, as under this law he is, for failing to pay over taxes collected; and in like manner shall the Assessor incur the penalty and forfeiture of one thousand dollars for each month successively that he continues to be a defaulter, to be recovered from him and his securities, as before provided.

Sec. 29. Be it further enacted, That if any Assessor or Sheriff, as tax collector, shall make a false return of any list of taxable property with a view to defraud the revenue, he shall forfeit and pay double the amount of the sum which it was his duty to return; and shall further be liable to a prosecution for fraud, and on conviction thereof, shall be imprisoned three months, and forever thereafter be rendered incapable of holding any office of profit, honor or trust in this Republic.

Sec. 30. Be it further enacted, That the Sheriff of each county of this Republic, shall receive, as collector of taxes under this act, a compensation for his services in the collection of the taxes, and paying them over to the Treasury Department, as is required of him under the provisions of this law, a commission of five per centum on the amount of taxes by him collected and paid over; and it is hereby made the duty of the clerk of the County Court of each and every county in this Republic, to issue execution upon the certificate of the Secretary of the Treasury when directed to him, and setting forth that the Sheriff, as collector, has failed to pay over any portion of the amount of taxes collected by him, or for the full amount of taxes of such county, should the Sheriff fail to make returns and pay any amount over; which execution the clerk shall put into the hands of the coroner, if there be one, if not into the hands of any constable, with instructions to levy the same upon any property of said Sheriff and his securities; and the said coroner or constable, as the case may be, shall proceed to sell, as this law provides, and

the bond entered into stipulates, the property of said Sheriff and his securities, and make the amount of money expressed in the execution, and pay the same over to the county court, subject to the order and disposition of the said Secretary of the Treasury.

Sec. 31. Be it further enacted, That the commissioners of roads and revenue, of each and every county of this Republic, are hereby authorized to levy and collect in their respective counties in each year, a tax for county purposes, which in no instance nor for any pretext shall exceed the one half of the tax levied in such county for the use of the Republic, for the same year; and further, the said commissioners are required to make such provisions for its collections as will be the most economical and least burthensome to the inhabitants of the county; and they are hereby further required, to appoint a County Treasurer in each of their respective counties, and require from such Treasurer, a bond with sufficient and satisfactory security, conditioned upon the faithful discharge of his duties, and to prescribe the services to be performed by him, and prefix or establish the amount of salary or stipend to be allowed for such services; and further, to require such Treasurer to make a statement annually of all amounts of money confided to him, how disposed of, and annually to settle his accounts, in the manner and form and at the time which said commissioners may establish, which settlement must be made with them.

Sec. 32. Be it further enacted, That all clerks of County Courts, who at this time may be acting as County Treasurers, shall cease the exercise of all such functions, so soon as Treasurers shall be appointed by the board of commissioners of roads and revenue, as provided in the foregoing section of this act, and shall hand over to the respective Treasurers all monies, papers and documents belonging to such office, which may be under their charge.

Sec. 33. Be it further enacted, That there shall be collected a tax on every gallon of spiritous liquors distilled in this Republic, the sum of five cents per gallon, and every distiller of such liquors shall certify upon oath to the number of gallons distilled in his or her distillery; the said tax shall be collected as provided for the collection of tax in this Republic.

Sec. 24. Be it further enacted, That no Chief Justice, Associate Justice, Sheriff or Clerk of the County or District Court, shall be eligible to the office of Assessor of Taxes.

Sec. 35. Be it further enacted, That whenever any person shall desire to obtain a patent from the Commissioner of the

General Land Office, by virtue of any location and survey, upon any certificate issued by any board of Land Commissioners, it shall be his duty at the time of applying for the same, to furnish satisfactory evidence that the said land has been given in for taxation, and that the amount due thereon has been paid, and without such evidence no title or patent shall be issued.

Sec. 36. Be it further enacted, That at the time of applying for the title, if the tax has not been previously paid, the applicant may make payment to the Secretary of the Treasury of the amount due, whose receipt shall be sufficient evidence for the purpose abovementioned.

Sec. 37. Be it further enacted, That if the location is made in any depopulated county, where no assessment can be made the Secretary of the Treasury is authorized and required to estimate the same at the minimum price fixed by this act, and on payment thereof to give the corresponding receipts.

Sec. 38. Be it further enacted, That nothing contained in this act, shall be so construed as to authorize or require the appraisal of, or levying a tax upon any improvement made upon lands without the limits of any incorporated city or town, or any other property or thing not specially set forth in this act, or to prohibit the reception of any or all properly audited drafts against this Republic, for any and all taxes which may become due the Republic under the provisions of this act; Provided, That the person from whom such tax may be due, shall be required to present to the collector the amount due and no more, if required so to do by the collector, before a tender of such taxes shall be considered as having been made; And further provided, That it shall be the duty of each and every Sheriff to require the person paying any audited draft, to endorse his or her name on the back thereof, and if on the presentment of the same to the Treasury Department, it shall prove to be a forgery or counterfeit, the Sheriff shall levy execution on the property of the individual who may have given it to him, for double the amount thereof, in the same manner as herein provided for other defaults.

Sec. 39. Be it further enacted, That the headright lands of those who have been killed, or have died while in the service of the Republic, shall be exempt from taxation, so long as they are owned by the heirs of the deceased, or until such time as Congress shall otherwise direct.

Sec. 40. Be it further enacted, That all laws relative to direct taxation, which have heretofore been passed, except so far

as relates to the collection of taxes due under said laws, be, and the same are hereby repealed.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 16th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

To prevent Frauds and Fraudulent Conveyances.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That no action shall be brought whereby to charge any executor or administrator, upon any special promise, to answer any debt or damage out of his own estate, or whereby to charge the defendant, upon any special promise, to answer for the debt, default or miscarriage of another person, or to charge any person, upon any agreement made upon consideration of marriage, or upon any contract for the sale of lands, slaves, tenements or hereditaments, or the making any lease thereof for a longer term than one year, or upon any agreement which is not to be performed within the space of one year from the making thereof, unless the promise or agreement upon which such action shall be brought, or some memorandum thereof shall be in writing and signed by the party to be charged therewith, or some person by him thereunto lawfully authorized.

Sec. 2. Be it further enacted, That every gift, grant or conveyance of lands, slaves, tenements, hereditaments, goods or chattels, or of any rent, common or profit out of the same, by writing or otherwise, and every bond, suit, judgment or execution had or made and contrived of malice, fraud, covin, collusion or guile, to the intent or purpose of delay, hinder or defraud creditors of their just and lawful actions, suits, debts, accounts, damages, penalties or forfeitures, or to defraud, or to deceive those who shall purchase the same lands, slaves, tenements or hereditaments, or any rent, profit or commodity out of them, shall be from henceforth deemed and taken only as against the person or persons, his or her, or their heirs, successors, executors, administrators or assigns, and every of them whose debts, suits, demands, estates, interests, by such guileful and covinous devices and practices as

is aforesaid shall or might be, in anywise disturbed, hindered, delayed or defrauded, to be clearly and utterly void; any pretence, color, feigned consideration, expressing of use or any other matter or thing to the contrary notwithstanding; and moreover, if any conveyance be of goods or chattles or slaves, and be not, on consideration, deemed valuable in law, it shall be taken to be fraudulent within this act, unless the same be by will duly proved and recorded, or by deed in writing or other instrument acknowledged or proved, if the same deed or instrument of writing include lands also acknowledged or proved in such manner as conveyances of lands are, by law, directed to be acknowledged or proved, or if it be goods and chattles, or slaves, only then acknowledged or proved by two or more witnesses, and recorded in the manner as now established by law, or may hereafter be established for the recording of deeds of conveyances, of real estate in this Republic, or unless possession shall really and bona fide remain with the donee; and in like manner, when any loan of goods and chattles or slaves shall be pretended to have been made to any person with whom, or those claiming under him, possession shall have remained by the space of three years, without demand made and pursued by due process of law on the part of the pretended lender, or when any reservation or limitation shall be pretended to have been made of a use or property, by way of condition, reversion, remainder or otherwise in goods and chattles, the possession whereof shall have remained in another as aforesaid, the same shall be taken as to the creditors and purchasers, of the persons aforesaid so remaining in possession, to be fraudulent within this act, and that the absolute property is with the possession, unless such loan, reservation or limitation of use or property were declared by will, or by deed in writing, proved and recorded as aforesaid.

Sec. 3. Be it further enacted, That the second section of this act shall not extend to any estate or interest, in any lands, goods, chattles, slaves, or any rents, common or profit out of the same, which shall be, upon good consideration and bona fide, lawfully conveyed or assured to any person or persons, bodies politic or corporate.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 18th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

To provide for the Renewing of the Security of County Surveyors.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That hereafter, it shall be lawful for the security or securities of any County Surveyor, who may wish to be released from such security, to notify in writing, the Chief Justice of the county in which such County Surveyor may reside, that he or they wish to be released from further responsibility, and it is hereby made the duty of such Chief Justice immediately to notify the County Surveyor, that within ten days he is required to appear before him and enter into a new bond with securities conditioned in all respects, according to the provisions of the law, in such cases provided.

Sec. 2. Be it further enacted, That so soon as the County Surveyor thus notified, shall appear and give the bonds required by law, and the same is approved of by the Chief Justice, that he shall cause the same to be recorded in the county clerk's office, and the original forwarded to the Secretary of State. But in case, the County Surveyor thus notified, should fail to appear and give the necessary bond, the Chief Justice is hereby authorized and required forthwith to declare the office of County Surveyor, in such county, vacated, and immediately inform the Commissioner of the General Land Office of the same.

Sec. 3. Be it further enacted, That the above enactments shall apply in all particulars to the Deputy Surveyors of the different counties; Provided always, That twenty days notice shall be given to the Deputy Surveyor, and in case of said Deputy refusing, or neglecting to appear and renew his bond at the expiration of said notice, it shall be the duty of the County Surveyor to declare by public notice in writing, that the office of said Deputy is vacated, and shall, as soon as possible, proceed to appoint a Deputy to fill said vacancy.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved December 25th, 1839.

MIRABEAU B. LAMAR.

AN ACT

To prescribe the mode of Appointing District Attorneys, fixing the Term of their Offices, and their Salaries and Perquisites.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That, to carry into execution the fifth section of the fourth article of the Constitution of the Republic of Texas, the District Attorneys shall be appointed by the President, by and with the consent and advice of the Senate, for the term of two years, and shall be eligible to re-appointment.

Sec. 2. Be it further enacted, That the several District Attorneys shall reside within the District for which they may be respectively appointed, and any District Attorney, failing to reside within the District for which he may be appointed, for a longer time than three months at any one time, without the written permission of the Judge of his District, shall thereby vacate his office; and it shall be the duty of the Judge or any Chief Justice of a county, within the said District, to notify the President, of such non-residence, whose duty it shall be to fill such vacancy, if the District Attorney fails to render a satisfactory excuse for such dereliction of duty.

Sec. 3. Be it further enacted, That each district Attorney shall be entitled to receive a salary of twelve hundred dollars, to be paid quarterly from the Treasury of the Republic, and shall further be entitled to the following fees as perquisites of office; in cases of conviction where the judgment of the court shall be death, branding, whipping or imprisonment, the sum of 50 dollars; for every conviction of unlawful gaming, or for permitting the same in his house, one hundred dollars; for every conviction for any other felony, or offence, twenty dollars, to be paid by the person convicted; and it shall be the duty of the clerks to tax the fee aforesaid in the bill of costs, and when collected, the Sheriff shall pay the same to the District Attorney.

Sec. 4. Be it further enacted, That the term of office of all the District Attorneys of this Republic, shall commence on the fifteenth day of January, one thousand eight hundred and forty, and the said offices in the several Districts shall be considered vacant, at that time, and subject to be filled in the manner designated in this act.

Sec. 5. Be it further enacted, That the District Attorneys shall continue to receive five per centum on the amount of money recovered for the Republic, on any bond, recognizance, or oth-

er obligation, where suit has to be brought for the same, but they shall not receive any other fee of office, than such as herein allowed; and any district Attorney, violating the provisions of this act, shall be deemed guilty of a high misdemeanor, and on conviction, shall be dismissed from office.

Sec. 6. Be it further enacted, That whenever any vacancy shall happen either by the death, resignation, or removal of any of the District Attorneys of this Republic, and it shall not be filled by appointment made by the President; it shall be the duty of the Judge of the District, in which such vacancy shall happen, or the Judge holding the court of the District, to appoint a District Attorney, pro tem.; who shall have all the powers and authorities, receive the same fees and perquisites of office, and be subject to the performance of all the duties of the office, and shall be deemed to be in office, until such office shall be filled by the appointment of the President, according to the provisions of this act, all laws to the contrary notwithstanding.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved January 14th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To prescribe the method of proceeding to obtain the benefit of the writ of Habeas Corpus.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That if any person detained in custody, whether charged with a criminal offence or not, shall by himself, or by some other person in his behalf, apply to any District Court, or to the Supreme Court of this Republic, or in vacation, to any Judge thereof for a writ of habeas corpus, and shall show, by affidavit or other evidence, probable cause to believe that he is detained in custody, without lawful authority, it shall be the duty of the court or Judge, to whom such application shall be made, forthwith to grant the writ, signed by himself directed to the person in whose custody the applicant is detained, and returnable immediately before such court or Judge, or either of the said courts or Judges; Provided

always, That whenever it shall appear necessary, the court or Judge, granting the writ, shall previously require bonds, with sufficient security executed in such a manner, and in such a penalty as such Judge or court shall prescribe, conditioned for the payment of such charges as may be awarded against the prisoner, and that he will not escape by the way. Every bond so executed shall be recorded, with the other proceedings in the case as hereinafter provided for, and may be sued on in the name of the person, to whom it is made payable for the benefit of any person really interested therein.

Sec. 2. Be it further enacted, That whenever any such writ shall be served on the officer or other person to whom it is directed, or in his absence from the place where the prisoner is confined, on the person having the immediate custody of the prisoner, it shall be the duty of him, on whom the writ shall be executed without delay, to bring the body of the prisoner, or cause it to be brought before the court, or Judge before whom the writ is made returnable, or in the case of the absence of such court or Judge, before any of them, and at the same time to certify the cause of the detainer of such prisoner.

Sec. 3. Be it further enacted, That any person failing to return the writ so served upon him, with the cause of the prisoners detained, or to bring the body of the prisoner before the court or Judge, according to the command of the writ for three days after such service, or when the prisoner is to be brought more than twenty miles for so many days more as will be equal to one day for every twenty miles of such further distance, shall forfeit and pay to the prisoner the sum of fifty dollars, and all damages in which the prisoner may suffer, in consequence of such illegal detainer, for each day of failure; the right to recover which shall not cease by the death of either or both of the parties.

Sec. 4. Be it further enacted, That it shall be lawful for a Judge, in vacation, to take the same steps to enforce obedience to any writ of habeas corpus, as may be taken in term time, by the court, having jurisdiction of such writs.

Sec. 5. Be it further enacted, That the court or Judge, before whom the prisoner shall be brought, shall without delay, proceed to inquire into the cause of his imprisonment, and shall either discharge him, admit him to bail, or remand into custody as the law and the evidence shall require; and shall moreover, either award against the prisoner the charges of his transportation, not exceeding nineteen cents per mile, and the costs of the proceedings, or shall award costs in his favor, or shall award no costs or charges against either party, as shall seem right; the

clerk of the court, in the office of which the proceedings shall be recorded, may issue execution for the costs and charges so awarded by a judgment rendered in vacation, in the same manner as if the judgment had been rendered in term time.

Sec. 6. Be it further enacted, that the return made to such writ shall not hereafter be taken to be conclusive as to the facts stated therein but it shall be competent for the Judge or court, before whom such return is made, to receive evidence in contradiction thereof and to determine the same as the very truth of the case shall require.

Sec. 7. Be it further enacted, That in vacation, the Judge shall have the same power to compel the attendance of a witness to give evidence upon a trial as a court would have in term time; and whenever, either in term time or in vacation, it shall be inconvenient to procure the personal attendance of a witness, his affidavit taken upon reasonable notice to the adverse party, may be received in evidence.

Sec. 8. Be it further enacted, That the proceedings and judgments, shall in all cases, be entered of record; if they be had in vacation before the Chief Justice of the Supreme Court, they shall be signed by him, certified to the clerk of the Supreme Court and entered with the record of said court; if before a Judge of the District Court in vacation, they shall, in like manner, be signed by the Judge, certified and entered among the records of the District Court of the county in which the judgment shall be rendered, whenever either party shall require it upon the trial, the court or Judge shall cause to be made part of the record, all the material facts proved; the clerk shall be allowed the same fee as is allowed by law, for making up complete records of causes after final judgment, to clerks of the District Courts which fee shall be charged to the prisoner and taxed in the bill of costs, when costs are recovered by him.

Sec. 9. Be it further enacted, That the judgment so entered of record shall be conclusive, and no person remanded by such judgment, whilst the same continues in force, shall be at liberty to obtain another habeas corpus for the same cause, or by any other proceeding, to bring the same matter again in question.

Sec. 10. Be it further enacted, That any person committed to prison in custody of any officer for any criminal matter shall not be removed from thence into the custody of another officer, unless it be by habeas corpus, or some other legal writ; or when the prisoner shall be delivered to the constable or other inferior officer, to be carried to some common gaol, or shall be

removed from one place to another in due course of law, in order to his discharge, or trial, or in case of sudden fire, or infection, or other necessity.

Sec. 11. Be it further enacted, That all laws now in force, in any manner, conflicting with the provisions of this act, be and the same are hereby repealed.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 14th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

Altering the several acts to raise a Public Revenue by Impost Duties.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the thirtieth day of April, one thousand eight hundred and forty, in lieu of the duties now imposed by law, on the importation and introduction of all goods, wares and merchandise into this Republic, there shall be levied, collected and paid an ad valorem duty of fifteen per centum, except on such articles as may by this act, be made objects of specific duties; which specific and ad valorem duty of fifteen per centum shall be levied, collected and paid, in conformity with such provisions and regulations as shall be defined and set forth in this act; and all laws and parts of laws heretofore enacted, which may contravene the intent and operation of this law, shall be repealed, except so far as may be necessary for the recovery and collection of all duties which shall have accrued under said laws; and for the recovery, collection, distribution and remission of all fines, penalties and forfeitures which may have been incurred under the same; Provided, That books of every description shall be admitted free of duty.

Sec. 2. Be it further enacted, That all duties accruing to this Republic under this act, and which may be levied and assessed on goods, wares and merchandise imported and introduced into the territory of the Republic, shall be paid to the Collector of the port, district or station, in cash, at the time of such importa-

tion, on proper and lawful entry thereof being made to the Collector or proper officer of the customs, which cash payment must be made in gold or silver, or in the (Treasury) promissory notes of this government; and it shall not be lawful for the Collector, or any officer of the customs to deliver or permit the delivery of any goods, wares or merchandise to any consignee, agent or proprietor thereof, except in the manner herein provided, unless the amount of duties thereon accruing shall first have been paid to the Collector or proper officer of customs appointed by such Collector to receive the same; and in case the owner, proprietor, agent or consignee of goods, wares and merchandise imported or introduced into this Republic, shall not be prepared to pay the duties, or any part thereof to the proper officer of customs as aforesaid, it shall be and it is hereby made the duty of the Collector of the port or district, in which such goods, wares and merchandise may have been so introduced or imported, to have the same conveyed to some warehouse or storehouse, (where there does not exist a public warehouse,) to be designated by the Collector, there to remain until the duties be paid, at the expense and risk of the owner or consignee, under the care of some proper officer; Provided always, That it shall be lawful and is hereby made the duty of the Collector or proper officer of customs to deliver to the owner, proprietor, agent, or consignee a portion or part of such goods, wares and merchandise, if the duty be previously paid on such portion or part delivered, and the remainder stored as aforesaid; or if the owner or consignee of any goods, wares or merchandise, shall be desirous to deposit a portion of them with the Collector to secure the amount of duties due upon the whole, it shall be lawful for the Collector to accept of such deposit, first satisfying himself, either by personal examination, or by means of and a report from an inspector or other officer of the customs, that the portion of such goods, wares and merchandise are free from damage or other injury, and are, by their invoice value, worth treble the amount of duties due upon the whole; which goods so deposited shall be kept by the Collector with due and reasonable care, at the expense and risk of the party or parties, on whose account they have been so deposited; and if at the end of three months from the date of entry of such goods so deposited, the amount of duties due, for which they were pledged, be not paid to the Collector, so much of said deposited goods, as may be necessary, shall be sold at public sale for cash, in gold or silver, or promissory notes of the Government, and after deducting the charges of storage and other incidental to the sale, the proceeds shall be applied to the payment of the amount of duties for which they were deposited, and the

overplus arising on such sale, and the residue of the goods so deposited, if any there be, shall be delivered to the person or persons by whom such deposit was made, or to his, her or their legal representatives.

Sec. 3. Be it further enacted, That within twenty-four hours after the arrival of any ship or vessel, from any foreign port or place, at any port of this Republic, where an officer of the custom resides, or within any harbor, inlet or creek thereof, if the hours of business will permit, at the office of the principal officer of the customs at such port, or as soon thereafter as the said hours will permit, the master or other person having the charge or command of such ship or vessel shall repair to the said office and shall make report of the arrival of said ship or vessel, to the said chief officer of the customs; and within forty eight hours after such arrival, shall make a further report, in writing, to the Collector of the District, which report shall contain all the particulars of a manifest, and present the marks, numbers, and contents of all the different packages or parcels of goods on board such ship or vessel, and the particulars of such goods as are stowed loose to the best of his knowledge, and of the place or places where such goods were respectively taken on board, as also the name and burthen of such vessel, and the names of the respective consignees; which written report shall be made previous to discharging any part of the cargo of such ship or vessel, and sworn to or affirmed by the master or person in command before the Collector of such port; in default of which, a penalty of five hundred dollars shall be enforced and collected by said Collector, for the benefit of this Republic, and all captains or masters of vessels wilfully making, or returning false reports or manifests with an intent to defraud, shall, in addition to a fine of one thousand dollars, to be exacted by the Collector, be thereafter incompetent to enter or clear a vessel in any of the ports of this Republic, and both master and vessel held accountable; and all persons neglecting or evading, failing or refusing to comply with the provisions of this section, whether citizen or alien, shall be deemed as smugglers and treated accordingly.

Sec. 4. Be it further enacted, That each consignee shall be required to make duplicate entries of all goods and merchandise to him consigned, which entries shall contain at length the marks and numbers of packages, together with their contents, quantities and value; and it shall further be the duty of such consignee, to furnish and hand to the Collector, the original invoice or invoices of goods and merchandise to him consigned, or

by him imported; which invoice or invoices must have attached thereto, the certificate of the Consul of this Republic; resident at the port where such goods and merchandise were purchased, or from whence they were shipped: which certificate must clearly and expressly set forth and declare that the prices of each and every article in such invoice or invoices are the full, just and current prices of such articles at such port at the date of said certificate; and all goods and merchandise imported into this Republic, being from a port where a Consular agent of this Government resides, unaccompanied by an invoice so certified, shall forthwith be seized and confiscated from the fact of such omission; and the amount of the proceeds of sales of such goods and merchandise shall be returned and paid into the Treasury by the Collector; and it shall also be the duty of the Collector or officer appointed under him, to take an account of all goods so imported; and all goods and merchandise found over and above the quantity represented in the entries, shall be confiscated for the use and benefit of the Republic; and it shall further be the duty of each consignee to take and subscribe to the following oath, in presence of the Collector:—"I, A. B., do solemnly, sincerely and truly swear, (or affirm,) that the entry now subscribed with my name and delivered by me to the collector of

contains a just and true account of all the goods, wares and merchandise imported for sale, or intended to be landed in this District, for me or on my account, or on account of any house of trade or partnership, in which I am concerned in this District, or which actually came consigned to me, or to any house in which I am concerned; or, (if the entry be made by an agent,) imported by or consigned to () and intended for sale, or to be landed in this District, in the (insert name and denomination of vessel) whereof

is master, from , that the said entry contains a just and true account in (insert the denomination of money in which the invoices and entries are made) of the cost thereof, including all charges; that the invoice or invoices, and bill or bills of lading now produced by me are the true, genuine and only invoices and bills of lading by me received of said goods, wares and merchandise, imported or consigned as aforesaid, and the only invoices by which I have been charged, or for which I am to account, and that they are in the exact state received by me, nor do I know of any other invoices or account of said goods, wares or merchandise than those produced. I do further swear (or affirm) that if I discover hereafter any other or greater quantity of goods, wares or merchandise than is contained in the entry aforesaid, I will immediately and without delay, report the same to

the Collector; or any invoice varying the quality, quantity and price, than those now exhibited, I will immediately report the same to the Collector of this District. I also swear (or affirm) that nothing has been concealed or suppressed in the entry aforesaid, whereby to avoid the just payment of the duties imposed by the laws of the Republic of Texas, to the best of my knowledge and belief, so help me God."

Sec. 5. Be it further enacted, That in case any goods or merchandise, shall be laden on board of any ship or vessel at any place or port where there does not exist a Consular agent of this Republic, it shall be lawful to admit and receive the invoices of all such goods and merchandise, if accompanied by a certificate of two reputable merchants, resident in such place, and of a Notary Public or Judge under their seal of office, accrediting the respectability of such merchants, which certificate must clearly set forth and declare that the prices of such goods and merchandise are the just, full and current prices of each and every article expressed in the invoices, at such place or port on the day of date of said certificate. And whenever any goods and merchandise shall be introduced into the territory of this Republic from a country or place where this Government has not a Consular agent, and the invoices or bills of parcels of such goods and merchandise shall be unaccompanied by and with the certificate of two merchants as hereinbefore provided for, or being so accompanied, the Collector is induced to believe that prices have been put or affixed to the articles much below their cost and value, with an intent to defraud the revenue and evade the just and proper action of this law, it shall be and it is hereby made the duty of the Collector of customs where such goods and merchandise may be so introduced, to nominate and appoint two merchants, citizens of this Republic and residents of such place, to examine and appraise every piece, part and particle or quantity (if in bulk) of all such goods and merchandise, and thereupon to issue in writing a certificate of such appraisement; specifying minutely every article and the value which they have affixed to the same, as its cost and value at the place from whence it was shipped, or at which it was purchased, and upon such estimated or appraised value, adding thereto such charges as may be expressed in the invoice or invoices, and if no charges be expressed, such as they may deem just and proper to affix, the Collector shall assess, levy and collect, for the use of the Republic, fifteen per centum as provided for in the first section of this act; and it shall further be the duty of the Collector of any and every port or place in this Republic, when such appointment may become necessary, to allow

twenty-five dollars per day for each merchant appointed as appraiser for every day on which they may be so employed, which amount shall be exacted by the Collector from the consignee, owner or proprietor of such goods and merchandise, previous to the delivery of such goods, and shall then be paid by the Collector to the said appraisers.

Sec. 6. Be it further enacted, That under the directions and instructions of the Secretary of the Treasury, every Collector of the customs shall have authority to employ, within his district, such number of proper persons as inspectors of the customs as he shall judge necessary, who are hereby declared to be officers of the customs; and the said inspectors, before they enter on the duties of their offices, shall take and subscribe before the Collector appointing them, an oath, diligently and faithfully to execute and discharge the duties of inspector, and to use their best exertions and endeavors to prevent and detect frauds and violations against the revenue laws, and further to support the Constitution of the Republic, and it shall be the duty of such inspectors, under instructions from the Collector, in superintending the unloading or discharging of any ship or vessel, to compare the quantities, marks and numbers of each hogshead, cask, barrel, box, bale or other description of package or packages whatsoever, with the quantities, marks and numbers expressed in the invoice or invoices, and see if they agree in every particular, and also under the instructions of the Collectors, to open and inspect such packages of merchandise as he may direct from any invoice, and compare the contents with the description expressed in such invoice, and report the result of such examination to the Collector, prior to the delivery of such goods, wares or merchandise to the consignee, owner or proprietor thereof; and the Collector shall allow such pay and salaries to said inspectors as prudence shall direct, under a proper consideration of the services performed by such inspectors.

Sec. 7. Be it further enacted, That it shall be and is hereby made the duty of each and every Collector of customs within this Republic, whenever the inspectors shall report to him that there is evident and manifest fraud, whether in the description, quality or quantity of goods or merchandise in any package, and being different in quality or quantity from what is set forth in the invoice or invoices, or where the package is represented by the invoice to contain goods or merchandise of a particular kind or quality, and a different class, kind or quality of goods be found in the package, forthwith to call upon two respectable merchants, residents of the place, or upon two respectable citizens, who shall

with said Collector, examine and compare such package or packages, and their contents with the character and description given of them in the invoices, and if it shall appear to the satisfaction of the Collector and appraisers that the goods or merchandise in such package or packages are different in kind, description, quality or quantity from such description, quality or quantity represented in the invoice or bill or parcels, and that the variation is so great as materially to effect and change the value and estimation, and that it is evident that the misrepresentation of the class, description or quality of such goods was made with a view to defraud the revenue, all such goods, wares or merchandise shall be confiscated and forfeited for the use and benefit of the Republic; and so soon as a sale of them shall be made, the Collector shall deduct from the proceeds of such sale the amount of duty which this act provides, and the balance shall be divided into two equal parts, one of which shall be paid into the Treasury, and the other divided in equal portions among the officers of the respective Custom Houses.

Sec. 8. Be it further enacted, That it shall be lawful for the appraisers to call before them and examine upon oath any owner or consignee or other person, touching any matter or thing which they may deem material in ascertaining the true value of any merchandise imported, and to require the production on oath, to the Collector and such appraisers, of any letters, accounts or invoices in his possession relating to the same; for which purpose the appraisers appointed are hereby authorized to administer oaths. And if any person so called shall fail to attend, or shall decline to answer or to produce such papers when so required, he shall forfeit and pay a penalty of fifty dollars; and if such person be the owner, importer or consignee, the appraisalment and declaration which said appraisers may make, relative to such goods, wares or merchandise as shall come under their examination by the fourth, seventh and eighth sections of this law shall be final and conclusive.

Sec. 9. Be it further enacted, That if the importer of any goods, or his agent, or consignee, after full conference with him, shall declare before the Collector that he cannot, for want of full information, make a full or perfect entry of such goods, and shall make and subscribe a declaration to the truth thereof, it shall be lawful for the Collector to receive an entry by bill of sight, for the packages or parcels of such goods, by the best description which can be given, and to grant a permit thereupon, in order that the same may be landed and stored in the public warehouse, where they may be seen and examined by such importer, or consignee, in presence of the proper officer; and if within three

months from the date of storing, such importer, or consignee shall furnish the Collector with a full and proper entry, accompanied by the proper invoices, and upon examination, it shall appear that the goods are fairly described and valued in the entry and invoices, the duty shall be levied upon the same, as before provided for, where entries are regular, and so soon as the amount of duties shall be paid in cash to the Collector, the goods shall be delivered to the importer or consignee. And should such importer or consignee not be able to make a full and proper entry of such goods within the three months, as aforesaid, it shall be the duty of the Collector to have such goods appraised in the manner as provided for in the fourth section of this act, and on such appraisement, to levy and collect the duties as aforesaid.

Sec. 10. Be it further enacted, That the rate of duties on distilled spirits of every denomination, under this act, shall be as follows:—Whiskey, first and second proof, twenty-five cents per gallon; third proof, thirty-seven and a half cents per gallon; fourth proof, fifty cents per gallon; and over fourth proof, seventy-five cents per gallon; and in like manner, all distilled spirits, of whatever denomination, and which shall be found on inspection, of a greater degree of strength, or proof, than that known and styled fourth proof, shall pay a duty of seventy-five cents the gallon. Brandy first and second proof, fifty cents per gallon; third and fourth proof, sixty-two and a half cents per gallon; above fourth proof, seventy-five cents per gallon. Gin and rum shall pay the same duty as brandy; and all other distilled spirits not herein enumerated, including every variety of cordials and liquors, shall pay the same duty as brandy. Wines, claret in cases, ten per cent. ad valorem; in casks, ten cents per gallon; Burgundy, Hermitage, Chambertain, and all other varieties of Burgundy wines, fifteen per cent. ad valorem; French white wines, ten per cent. ad valorem, except Champagne, which shall pay two dollars and fifty cents each basket or hamper, of one dozen quart bottles, or of twenty-four pints; Oporto, or Port wine, thirty-seven and a half cents per gallon; Madeira and Sherry wine, seventy-five cents per gallon; Tenneriffe and Spanish white wines, twenty-five cents per gallon; Spanish red wines, twenty-five cents per gallon; German and Rhenish of every variety, fifty cents per gallon. Cider and malt liquors, whether in casks or bottles, ten per cent. ad valorem. In estimating the quantity of wine in cases, boxes, hampers or baskets, or in any other package, the dozen full sized bottles (denominated quarts) shall be estimated to contain two gallong and two-fifths of a gallon, and half bottles in the proper proportion.

Sec. 11. Be it further enacted, That the President of this Republic be and he is hereby authorised to issue such instructions as may be necessary and which he may deem proper, to the Secretary of the Treasury, to carry into effect such present and future agreements with the Government of France, by the regulation of the duties on goods, wares and merchandize imported from that country, as will conform to the stipulations made in the treaty of amity and commerce entered into between this Government and the Government of France, and such future agreements as may be made between the two Governments.

Sec. 12. Be it further enacted, That there shall be admitted free from duty, when introduced by emigrants arriving in this country, such farming utensils and implements of husbandry, furniture which has been used and in use, to the amount of five hundred dollars, and also the tools or implements of trade of persons arriving in the Republic of Texas; wearing apparel and other personal baggage in actual use and belonging to the person arriving in the country; and in order to ascertain what articles ought to be exempted, according to the true intent and meaning of the provision aforesaid, due entry must be made thereof, as of other goods, wares or merchandize imported from a foreign port, with the Collector of the district in which the said articles are intended to be landed by the owner or owners thereof, who shall take and subscribe the oath required by the revenue laws of the United States in similar cases made and provided.

Sec. 13. Be it further enacted, That, from and after the first day of April next, there shall be allowed and paid to the Collector of customs at the several ports of this Republic, the hereinafter described fees, that is to say, for every entrance of any ship or vessel of less than one hundred tons burthen, one dollar and a half; of one hundred tons and upwards, two dollars and a half; for every clearance of vessels of like burthen, like fees of one dollar and a half, and two dollars and a half; for every port entry, two dollars; for every permit to land goods, twenty cents; for every bond taken officially, forty cents; for every permit to load goods for exportation which are entitled to debenture, or other official certificate, twenty cents; for every bill of health, twenty cents; for every document (registers excepted) required by any merchant, owner or master of any ship or vessel not before enumerated, twents cents; and it shall be the duty of the Collectors, or other officer of customs, who, for the Collector, may collect fees, to keep accurate accounts of all fees and official emoluments received by them; also of all expenditures, particularizing the expenditures for rent, fuel, stationery and clerk hire,

and transmit annually, within forty days after the last day of September, on account as aforesaid, verified on oath to the Secretary of the Treasury, who shall annually lay an abstract of the same before Congress; and if any Collector shall omit or neglect to keep an account as aforesaid, or to transmit the same verified as aforesaid, he shall forfeit and pay a sum not exceeding one thousand dollars, for the use and benefit of the Republic.

Sec. 14. Be it further enacted, That it shall be lawful for any Collector or other officer of customs, or inspector of the customs, as well in any adjoining district as that to which he belongs, to stop, search and examine any carriage or vehicle of any kind whatsoever; and to stop any person travelling on foot, or beast of burden on which he shall suspect there are goods, wares or merchandize which are subject to duty, or which shall have been introduced into this Republic in any manner contrary to law, and if such officer shall find any goods, wares or merchandize on any such carriage, vehicle, person travelling on foot or beast of burden, which he shall have probable cause to believe are subject to duty, or have been unlawfully introduced into this Republic, he shall seize and secure the same for trial, without it being necessary to have a search warrant or any other legal form of process to examine any carriage, wagon, cart or other description of vehicle, vessel, boat or other description of water craft, or any vehicle of whatever form or construction, denomination or name whatsoever, employed as a medium of transportation, or to examine any packages conducted or carried by any animal or animals, or carried by man on foot.

Sec. 15. Be it further enacted, That every Collector or other person specially appointed by him for that purpose, shall have full power and authority to enter any ship or vessel on board of which they shall have reason to suspect any goods, wares or merchandize, subject to duty, are concealed, and therein to search for, seize and secure any such goods, wares or merchandize; and if they shall have cause to suspect a concealment thereof in any particular dwelling house, store, building or other place, they or either of them shall, upon proper application on oath to any justice of the peace, be entitled to a warrant to enter such house or other place, (in the day time only,) and there to search for such goods; and if any shall be found, to seize and secure the same for trial; and all such goods, wares and merchandize on which the duties shall not have been paid, shall be forfeited.

Sec. 16. Be it further enacted, That it shall be the duty of any officer of the customs to make seizure of and secure any ship or vessel, steam boat, shallop or any description of water

craft having on board goods, wares or merchandise, on which the duties have not been paid, and which are evidently detained or kept on board of such vessel or craft for the purpose of evading the payment of the duties; as also the goods and merchandise which they may find on board and such goods and merchandise as may be found landed, whether within or without the respective district of such officer.

Sec. 17. Be it further enacted, That if any person shall forcibly resist, prevent, or impede any officer of the customs, or any person appointed by the Collector to assist such officer in the execution of his duty, such person so offending shall, for every such offence be fined in a sum not exceeding five hundred dollars; and if any master or other person having the charge or command of any ship or vessel coming into or arriving at any port or place in this Republic, shall obstruct or hinder, or shall be the cause of any obstruction or hindrance, with such an intent, to any officer of the customs or revenue, in going on board of such ship or vessel for the purpose of carrying into effect any of the revenue laws of the Republic, shall forfeit for every such offence a penalty not exceeding five hundred dollars nor less than fifty dollars. And if any officer or other person executing, or aiding or assisting in the seizure of goods, shall be sued or molested for any thing done in virtue of the powers given in this act, or by virtue of a warrant granted by any Judge, pursuant to law, such officer or other person may plead the general issue, and give this act in the special matter in evidence; and if in such suit the plaintiff is nonsuited, or judgment pass against him, the defendant shall recover double costs; and in actions, suits or informations to be brought, where any seizure shall be made pursuant to this act, if the property be claimed by any person, in every such case, the onus probandi shall be upon such claimant.

Sec. 18. Be it further enacted, That in any suit or prosecution against any officer of the customs or other person appointed as provided in the foregoing section, and judgment shall be given against the defendant or respondent, if it shall appear to the court, before which suit or prosecution shall be tried, that there was probable cause for doing such act or thing, such court shall order a proper certificate or entry to be made thereof, and in such case, the defendants or respondent, shall not be liable for costs, nor shall he be liable to execution, or to any action for damages, or to any other mode of prosecution for the act done by him as aforesaid; Provided. That such property or articles as may be held in custody by the defendant, if any be, after judgment, forthwith returned to the claimant or claimants, his, her or their agents.

Sec. 19. Be it further enacted, That any Collector, inspector or other officer of the customs, when proceeding to make any search or seizure authorized by this act, shall be and he is hereby empowered to command any person who shall be within ten miles of the place where such search or seizure shall be made, to aid and assist such officer in the discharge of his duty therein; and if any person, being so commanded, shall neglect or refuse to aid and assist such officer in making such search or seizure, the person so neglecting or refusing, shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars, and such officer may also command, in case of resistance, the assistance, of the Sheriff or any of his deputies, who shall call upon the posse of his county, if necessary in his or their judgment to render effectual the execution of this act; and all citizens or inhabitants of the county, above the age of eighteen years and able to travel, who refuse or neglect, upon proper notice from the Sheriff or any of his deputies, to join such posse, shall be considered guilty of a misdemeanor, and liable to a fine not exceeding three hundred dollars, and be imprisoned for a term not exceeding three months.

Sec. 20. Be it further enacted, That all penalties, accruing by any breach of this act, shall be sued for and recovered with costs of suit in the name of the Republic of Texas, in any court competent to try the same; and the trial of any fact which may be put in issue shall be tried within the Judicial District in which any such penalty shall have accrued; and the Collector, within whose district the seizure shall be made, or forfeiture incurred, is hereby enjoined to cause suits for the same, to be commenced without delay and prosecuted to effect; and is authorized to receive from the court, within which such trial is had, or from the proper officer thereof, the sum or sums so recovered, after deducting all proper charges to be allowed by the said court, and on receipt thereof, the said Collector shall pay and distribute the same without delay, according to law, making quarterly returns of all moneys received by him for fines, penalties and forfeitures to the Secretary of the Treasury. And all ships or vessels, goods, wares or merchandize, which shall become forfeited in virtue of this act, shall be seized, libelled and prosecuted, as aforesaid, in the proper court having cognizance thereof; which court shall cause twenty day's notice to be given of such seizure and libel, by causing the substance of such libel, with the order of the court thereon, setting forth the time and place of trial, and proclamation shall be made in such manner as the court shall direct, and if no person shall appear and claim any such ship or vessel,

goods, wares or merchandize, and give bond to defend the prosecution thereof, and to respond the cost, in case, he shall not support his claim, the court shall proceed to hear and determine the cause, according to law, and upon the prayer of any claimant to the court, that any ship or vessel, goods, wares or merchandize so seized and prosecuted, or any part thereof, should be delivered to such claimant, it shall be lawful for the court to appoint three proper persons to appraise such ship or vessel, goods, wares, or merchandize, who shall be sworn in open court for the faithful discharge of their duty; and such appraisement shall be made at the expense of the party on whose prayer it is granted; and on the return of such appraisement, if the claimant shall, with one or more sureties approved of by the court, execute a bond in form to the Republic of Texas for the payment of a sum equal to the sum at which such ship or vessel, goods, wares or merchandize was appraised at, and moreover produce a certificate from the Collector or proper officer of the customs of the district, that the duties on such goods, wares or merchandize, or tonnage dues on such ship or vessel, (if any be required,) have been paid in the same manner as if they had been regularly and legally entered, the court shall, by rule, order such ship or vessel, goods, wares and merchandize, to be delivered to the said claimant, and the said bond shall be lodged with the proper officer of the court, and if judgment shall pass in favor of the claimant, the court shall cause the said bond to be cancelled; but if judgment shall pass against the claimant as to the whole or any part of such ship or vessel, goods, wares or merchandize, and the claimant shall not, within twenty days, thereafter pay into the court, or to the proper officer thereof, the amount of the appraised value of such ship or vessel, goods, wares or merchandize so condemned, with the costs, judgment shall and may be granted upon the bond on motion in open court without delay; provided, that when any prosecution shall be commenced on account of the seizure of any ship or vessel, goods, wares or merchandize, and judgment shall be given for the claimant or claimants, if it shall appear to the court, before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the said court shall order a proper certificate thereof, and, in such case the claimant or claimants shall not be entitled to costs, nor shall the person who made the seizure or the prosecutor be liable to action, suit or judgment on account of such seizure and prosecution; provided, that such ship or vessel, goods, wares or merchandize be, after judgment, returned to such claimant, his, her, or their agent or agents.

Sec. 21. Be it further enacted, That all ships or vessels, goods, wares or merchandise, which shall be condemned by virtue of this act, and for which bond shall not have been given by the claimant or claimants, agreeably to the provisions of the foregoing section, shall be sold by the Sheriff of the county or other officer appointed by the court in which condemnation shall be had, to the highest bidder at public auction, by order of such court, at such place as it may appoint, by giving at least fifteen day's notice (except in cases of perishable goods,) in a newspaper where such sale shall be, or in two newspapers in the nearest places thereto, if no newspaper be published at the place of sale; and the amount of such sales, deducting all proper charges, shall be paid, within ten days after such sale, by the person selling the same to the clerk of the District Court of the respective district, who after deducting the charges allowed by the court, shall pay the balance to the Collector of the district in which such seizure or forfeiture has taken place, as hereinbefore directed.

Sec. 22. Be it further enacted, That all fines, penalties and forfeitures, received by virtue of this act, and which are not herein otherwise appropriated, shall after deducting all proper costs and charges, (and until by law are otherwise directed,) be disposed of in the same manner as under similar acts and circumstances, they are disposed of under the laws of the United States.

Sec. 23. Be it further enacted, That the Collectors of the respective Districts may, with the approbation of the Secretary of the Treasury, provide and employ such small open row and sail-boats in each District, together with the number of persons to serve in them as shall be necessary, for the use of the inspectors and other officers of the customs in going on board of ships or vessels, and otherwise for the better detection of frauds, smuggling and other illicit and unlawful trades, the expense of which shall be defrayed out of the products of duties.

Sec. 24. Be it further enacted, That each and every Collector of public revenue arising from impost duties on merchandise imported into this Republic, shall be and he is hereby required to give bond, with good and sufficient sureties, to the satisfaction of the Secretary of the Treasury, in the sum of twenty-five thousand dollars, conditioned for the true and faithful performance of his duties; and every Collector shall be required to make returns quarterly to the Treasury Department, which must express the number and class of vessels which have entered; their separate and aggregate amount of tonnage; the amount of goods introduced; by whom introduced and date of entry; the amount of moneys received for duties and from whom received;

the quantity and value of merchandise deposited in the public warehouse, the amount of duties due thereon and from whom; which statement shall be published quarterly by order of the Secretary of the Treasury; and any Collector of the public revenue who is found guilty of embezzling the same, or conniving, aiding or abetting in defrauding the Public Treasury, shall be deemed guilty of a misdemeanor, and on conviction thereof before a competent tribunal, shall be punished accordingly, dismissed from office, and rendered incapable ever thereafter of holding any office of honor, trust or profit in this Republic.

Sec. 25. Be it further enacted, That it shall be and is hereby made the duty of the Collector of the District of Galveston to make monthly returns of the amount of money which may have been collected by him in his district during each month, and pay the same over to the Secretary of the Treasury, without prejudice to the quarterly returns which by the foregoing section, he is required to make.

Sec. 26. Be it further enacted, That the Secretary of the Treasury be and he is hereby authorized to instruct and require the Collector of the Port of Galveston to place an office at San Luis, in the west pass of Galveston Bay, there to perform the duties of a surveyor of the customs, receive all entries and reports of vessels and merchandise, and grant clearances for the same, and to make his returns every two months to the Collector aforesaid, and further to instruct said Collector of Galveston, and require him to permit vessels arriving from foreign ports, destined for Houston, to proceed to that place without the necessity of unlading at Galveston, by putting on board of such vessel or vessels an inspector of customs, under such instructions as the faithful and prompt collection of the revenue may require, and at the same time to afford all the convenience possible to the inhabitants of the city of Houston in the introduction of merchandise. And be it further enacted, That the said Secretary of the Treasury, under the direction of the President, be authorized to form and establish another collectoral district on Red River, embracing such counties or parts and portions of counties as in his judgment may be best suited to promote the objects of revenue of the country, by preventing clandestine and fraudulent introduction of goods, wares and merchandize, and also fix upon the place or places where entries or merchandize introduced into the territory of the Republic within such collectoral district shall be made, in conformity with the provisions of this law. And a Collector and other officers and guardians of the revenue shall be appointed as

may, in the opinion of the Secretary, be necessary for the prompt and effectual collection of the revenue.

Sec. 27. Be it further enacted, That a drawback of duties shall be allowed and paid on all goods, wares or merchandise, whereupon the duties have been paid, which shall be exported to any foreign port or place beyond seas from the port or place of original importation; and all duties, drawbacks and allowances which shall be payable and allowable on any specific quantity of goods, wares or merchandise, shall be deemed to apply in proportion to any greater or lesser quantity; Provided, That no privilege of drawback shall be deemed to extend or permitted on goods, wares or merchandise which are exported or transported to the territory of any foreign state or power immediately adjoining the Republic of Texas; And further provided, That such goods, wares or merchandise, so exported for the benefit of drawback be exported within twelve months from the date of the entry thereof in the district where they were imported or introduced.

Sec. 28. Be it further enacted, That no drawback shall be allowed on goods, wares and merchandise imported into this Republic when the duties paid on such goods, wares or merchandise at the time of importation did not amount to fifty dollars, nor unless they be exported in the original casks, cases, chests, boxes, trunks or other packages in which they were imported without diminution or change of the articles which were therein contained at the time of importation in quantity, quality or value, necessary or unavoidable wastage or damage only excepted; Provided, That it shall be lawful for the exporter or exporters of any liquors in casks, coffee in casks or other packages, or any unrefined sugars, to fill up the casks or packages out of other casks or packages included in the same original importation, or into new casks or packages corresponding therewith, to be marked and numbered as the original casks or packages, in case the original casks or packages shall, with the opinion of the officer appointed to examine the same, be so injured as to be rendered unfit for exportation, and in no other case; Provided further, That the filling up or change of package be done under the inspection of a proper officer, and under such further provisions and requirements as are provided in an act entitled an act to provide and establish the warehousing system in the ports of this Republic; And provided further, That the exporter or exporters of any goods, wares or merchandise for the benefit of drawback, shall give at least twenty-four hours' notice of his intention to export such goods, wares or merchandise, (except in cases of distilled spirits, when six hours' notice shall be deemed sufficient.) and shall make entry

thereof in writing, describing particularly the casks, cases, chests, boxes and other packages, their respective marks, numbers and contents, the name of the ship or vessel and master's name; Provided always, That it shall be lawful for the Collector of any port of this Republic, in all cases of exportation of merchandise for the benefit of draw back, where any doubt may arise as to the proper mode of procedure, to refer to and be goverend by the laws of the United States relative to drawbacks, in his decisions, unless they should conflict with the provisions of this act, and of the beforecited act establishing the warehousing system.

Sec. 29. Be it further enacted, That it shall be the duty of the Secretary of the Treasury, under the direction of the President, to place a Sub-Collector of the customs at Point Bolivar at as early a period as practicable, for the better protection of the revenue.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To provide and establish the Warehousing System in the Ports of this Republic.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and required, so soon as may be, to provide good and sufficient Warehouses in the ports of this Republic, in which goods, wares and merchandise may be warehoused and secured without payment of duty upon the first entry thereof or for exportation, in conformity with the revenue laws.

Sec. 2. Be it further enacted, That all goods entered to be warehoused, shall be carried to the warehouse under the care or with the authority or permission of the proper officer of customs, and in such manner, and by such persons, and within such spaces of time as the said officer shall authorize, permit, or direct.

Sec. 3. Be it further enacted, That all goods which have been warehoused, shall be duly cleared either for exportation or

for home consumption within one year from the date of the entry thereof, unless the Secretary of the Treasury, for good and sufficient causes, extend the time, which he can do three months longer; and if such goods be not so cleared, it shall be lawful for the Secretary of the Treasury to order the Collector of the port, where such failure may take place, to advertise and sell at public auction, by giving fifteen days' notice in some newspaper, if any be printed at such port, or by some other public mode, all such goods; and the produce of such sale shall be applied to the payment of the duties, warehouse, rent and other charges, and the overplus, if any, paid to the owner or proprietor of such goods, if he be known; if not, to be put into the Treasury to the credit of such owner or proprietor.

Sec. 4. Be it further enacted, That if any goods, entered to be warehoused, be lost or destroyed by any unavoidable accident, either on ship-board or in the landing or shipping of the same, or in the receiving into or delivering from the warehouse, it shall be lawful for the Secretary of the Treasury to remit or return the duties payable or paid on the goods so lost or destroyed.

Sec. 5. Be it further enacted, That in case any embezzlement, waste, spoil or destruction shall be made of any goods or merchandise warehoused in warehouses under this act, through any wilful misconduct of any officer of customs, such officer shall be deemed guilty of a misdemeanor, and shall upon conviction, suffer such punishment as the court may inflict; Provided, That the shortest term of imprisonment shall be one year. The importer, consignee or proprietor of the goods or merchandise so embezzled, wasted, spoiled or destroyed, shall not be liable to pay any duties on such goods and merchandise so embezzled, &c.; and if such officer be prosecuted to conviction by such importer, consignee or proprietor of such goods or merchandise so embezzled, &c., such damage as he may have sustained shall be paid and made good to him by the Secretary of the Treasury.

Sec. 6. Be it further enacted, That all goods and merchandise required to be removed from the warehouses for consumption or for exportation, shall be removed or carried to be shipped under the care or with the authority or permission of the proper officer of customs, and in such manner and within such spaces of time as he may direct, and all goods not so removed shall be liable to confiscation and forfeiture.

Sec. 7. Be it further enacted, That upon the entry outwards of any goods or merchandise to be exported from the warehouse to parts beyond the seas, or to the place from which they may have been imported before a permit shall be granted, if the

amount of duties has been paid, the person in whose name the same be entered, shall give security by bond in quadruple the amount of the duties, with sufficient security, that such goods shall be duly shipped and exported, and shall be landed at the place for which they be entered outwards or otherwise accounted for to the satisfaction of the collector of customs; and it shall not be lawful for any person to export any goods so warehoused, nor to enter them for exportation, in any ship or vessel of a less burthen than forty-five tons.

Sec. 8. Be it further enacted, That all goods warehoused, shall be stowed in such manner as that easy access may be had to every package or parcel of the same, and in case private warehouses should be used, the occupier of such warehouse shall attend and cause the storage to be made as aforesaid, and if he omit so to store the same, he shall, for every such omission, forfeit the sum of ten dollars; and if any goods be taken out of the warehouse without due entry of the same with the proper officer of the customs, the occupier of the warehouse shall be liable to the payment of the duties due thereon.

Sec. 9. Be it further enacted, That if any goods or merchandise warehoused be fraudulently concealed in or removed from the warehouse, the same shall be forfeited; and if any importer or proprietor of any goods warehoused, or any person in his employ, shall by any contrivance, fraudulently open the warehouse, or gain access to the goods, except in the presence of the proper officer acting in the execution of his duty, such importer or proprietor, shall forfeit and pay for every such offence the sum of one thousand dollars.

Sec. 10. Be it further enacted, That it shall be lawful in the warehouse to sort, separate, pack and repack any goods, and to make such lawful alterations therein, or arrangements thereof as may be necessary, either for the preservation of such goods, or in order to the sale, shipment or legal disposal of the same; Provided, That such goods be repacked in the packages in which they were imported, and that all the operations shall be performed under the inspection of the proper officer of customs, and the importer or proprietor shall defray all expenses attendant thereon.

Sec. 11. Be it further enacted, That whenever it becomes necessary to unpack, separate and repack any goods or merchandise, for reason of damage, and where a part of such goods or merchandise be found in a perfect and sound state, it shall be lawful to make up packages of the sound and perfect goods; and in all cases where duties may have been assessed and collected off of goods or merchandise in their sound and perfect state, and

it shall be found that from accident, or from the perishable nature of such goods or merchandise, a portion or part of them be damaged, that the general value of the whole of them shall be materially effected if the duties should have been paid on their value in a sound and perfect state, it shall be lawful for the Collector of the customs to appoint appraisers to estimate and appraise the damage or injury sustained, or to appraise and estimate the value of the goods which remain in a perfect state and condition, or in such condition, though not perfect and sound, as shall not entirely destroy them and render them worthless, then and in all such cases the Collector shall furnish to the importer or proprietor of such goods and merchandise, a statement setting forth minutely the change and variation of such goods, as also their then appraised and estimated value; on which statements so made by the Collector, it shall be lawful for the Secretary of the Treasury to refund and pay back to the importer and proprietor of such goods, the excess of duties paid; that is, the difference between their sound and perfect state, and that of their damaged condition; and if the duties have not been paid, it shall be lawful for the Collector to levy, assess and collect the duties on such goods, on the amount of their then appraised value; Provided, That in all cases where part of a package of merchandise are damaged and a part perfect and sound, the damage and injury shall only be estimated upon the part injured, and shall not be estimated generally upon the whole package.

Sec. 12. Be it further enacted, That in all cases where there may be parts or portions of packages of merchandise damaged, it shall be lawful to unpack, sort, separate and repack the sound and perfect portions; and the duties shall be levied and assessed upon them in the same manner as would have been, had no such damage to a portion occurred; and if the damaged portion of such merchandise be totally worthless, then and in that case, it shall be destroyed; but if any portion of it can be used, such portion shall be appraised and duties levied thereon according to the appraised value, and such duties shall be paid by the importer or proprietor before they be delivered to him.

Sec. 13. Be it further enacted, That it shall be lawful for the Collector of customs to accept the abandonment for the duties of any quantity of tobacco, coffee, pepper, pimento, cocoa and also of any whole package of other goods, and to cause the same to be destroyed if totally worthless, or to sell such quantity of tobacco, coffee, pepper, pimento, cocoa, or of the contents of such whole packages of goods as may be considered proper to sell, and place the proceeds thereof to the credit of the revenue, and make returns

of the same as provided for all other collections; Provided always, That such sales be made by the Collector at public auction, and after ten days' notice thereof shall have been given.

Sec. 14. Be it further enacted, That for the delivery from the public warehouses or stores, it shall be necessary to present to the public store keeper or proper officer appointed, a permit from the Collector or Deputy Collector, specifying as particularly as may be the goods to be delivered; namely,—the number and description of the packages, whether trunk, bale, chest, box, case, pipe, hogshead, barrel, keg or other denomination of package whatever, with the mark and number of each package, as near as may be, the contents thereof, also the name of the vessel in which they were imported, the name of the master, port or place from whence she came, and that the duties thereon have been paid or that they are about being exported, and the name and class of the vessel on board of which they are so to be exported, and the name of the master or captain of such vessel; and no goods, wares or merchandise shall be delivered by the public store keeper or other officer of the customs appointed therefor, without such requisite written permit, nor unless the description of such goods, wares or merchandise agrees with the permit; and the form of all permits for the purposes of deliveries from the public stores shall be as follows:—Port of ————. To the keeper of the public warehouse:—I, A. B., Collector of the Port of ————, do certify that (here the name of the owner or consignee) has paid the duties on merchandise contained in the following packages, in conformity with an entry made of this date; which merchandise was imported in the (vessel's name, denomination, master's name, and port from which she arrived.) Permission is hereby given and you are required to deliver the same, viz: (here particularly insert the mark, number and denomination of each package, and as near as may be, their contents, noting those articles that are to be either weighed, gauged or measured.) A. B., Collector. When the merchandise, required to be delivered from the public stores, is for exportation under the benefit of drawback, it must be expressed in the permit; and the name of the vessel, her class and the name of the master must be expressed, and also the port of her destination; with all the particulars and specialties in the description of the packages, marks, numbers and contents as hereinbefore provided.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To provide for the more certain operation of the Sinking Fund, created by an act of Congress of the Republic of Texas, passed 22d January, 1839,—to extinguish the five million loan authorised to be raised under two several acts of Congress of 18th November, 1836, and 16th May, 1838; and such further loans as the Republic may cause to be negotiated, and for other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That for the purpose of carrying into effect the provisions of the act of Congress, passed 22d January, 1839, setting apart annually the sum of three hundred thousand dollars, as a permanent and accumulating sinking fund for the redemption of such bonds of the Republic as may be, or may have been issued by James Hamilton and Albert T. Burnley, Commissioners in pursuance of the several loan acts of 1836, '38, and '39. The Secretary of the Treasury, the Secretary of State, and First Auditor of the Treasury be and hereby are appointed Commissioners of the said sinking fund.

Sec. 2. Be it further enacted, That immediately after the survey of the public lands, and when any portion of the same shall be brought into market and sold, it shall be the duty of the Secretary of the Treasury to pay over to the said Commissioners, on the 1st days of May and November in each and every year, the aforesaid sum of three hundred thousand dollars, in two equal semi-annual instalments of one hundred and fifty thousand dollars each, which the said Commissioners are hereby required to remit forthwith to such agents in London, Paris, Amsterdam, or wherever the said loan may be negotiated, as may be authorized to pay the dividends on the aforesaid bonds.

Sec. 3. Be it further enacted, That in case, from consideration of public convenience, or policy, it shall be deemed inexpedient to bring the public lands into the market on or before the 1st of January, eighteen hundred and forty-two, or that when so brought forward, it should be deemed inexpedient to sell them, it is hereby declared to be then and after that period the duty of the Secretary of the Treasury to provide from other sources of revenue, and to pay over to the aforesaid Commissioners of the sinking fund, the full sum of three hundred thousand dollars, in the instalments before mentioned, or such sum as with the amounts realized from sales of public lands, shall make up at the period

stated, the sum of three hundred thousand dollars, to be remitted to the agents aforesaid in London, Paris, Amsterdam, or wherever the said loan may be effected: but there shall be nothing in this act which shall prevent the Government of Texas from applying a larger sum annually from other sources to the said sinking fund; provided, the bonds are redeemed in conformity with the provisions of this act.

Sec. 4. Be it further enacted, That the said agents in London, Paris, Amsterdam, or wherever the said loan may be negotiated, shall with the aforesaid fund enter the market and purchase at the lowest price at which they may be obtained the aforesaid ten per cent. bonds of the five million loan; should, however, the market price of said bonds reach fifty per cent. premium beyond the par value of the same, the holders of said bonds shall be required on the application of said agents to surrender and cancel the same on the payment of paid par value and said premium.

Sec. 5. Be it further enacted, That the lowest numbers of the bonds in circulation shall be reimbursable at the maximum price in the first instance; provided, they cannot be obtained at a lower rate.

Sec. 6. Be it further enacted, That the said agents in London, Paris, Amsterdam, or wherever said loan may be negotiated, in case they are not able to purchase the aforesaid bonds at one hundred and fifty pounds money for one hundred pounds stock, shall make a public declaration in one or more of the London, Paris, Amsterdam, (or wherever the loan may be negotiated) news papers, designating the number of the bonds to be paid off, beginning at the lowest number in circulation, after which declaration no interest will be paid beyond the semi-annual dividend then next accruing.

Sec. 7. Be it further enacted, That it shall be the duty of the said agents in London, Paris, Amsterdam, or wherever said loan is negotiated; provided, the holders of the bonds announced to be redeemed, do not present the same for payment within ninety days after said announcement to invest the amount in their hands not applied to the redemption of the bonds in Exchequer bills, or in the public securities of the country where the loan is negotiated, to be deposited in the Banks of England, Paris, Amsterdam, or wherever the said loan be negotiated, to be held on the account and risk of the holders of said bonds advertised to be redeemed.

Sec. 8. Be it further enacted, That the agents in London, Paris, Amsterdam, or wherever the loan shall be negotiated, shall

semi-annually announce in one or more of the newspapers of London, Paris, Amsterdam, or wherever the loan shall be negotiated, the numbers and amounts of the bonds so redeemed, which shall be cancelled and deposited in the Banks of England, Paris, or Amsterdam, or wherever the loan may be negotiated, as the case may be, and a notarial certificate of the specification of said redemption be transmitted to the Secretary of the Treasury of the Republic of Texas, to whom likewise a semi-annual account of said agents shall be rendered.

Sec. 9. Be it further enacted, That the Commissioners of loan of this Republic, in case they deem it advisable to sign and issue bonds bearing an interest of six, five, four, or three per cent. are empowered to issue bonds to the amount of seven millions of dollars, (without reference to discount at which they may be sold by reason of their bearing a less rate of interest than ten per cent.) and, that they be authorized conformably to the most advantageous terms on which the bonds can be disposed of, to make them payable in ten, twenty, or thirty years; provided, not more than one third of the same shall be payable in a less term than ten years.

Sec. 10. Be it further enacted, That in case any supplementary loan shall be authorized by the President, under instructions of both branches of Congress, the same powers and discretion are hereby given to said Commissioners, both as to the rate of interest and time of payment of said loan.

Sec. 11. Be it further enacted, That in case any additional loan other than the five millions now authorized by law to be negotiated, the sum of sixty thousand dollars for each million of dollars negotiated or borrowed over and above the interest, is reserved and set apart out of the sales of public land, as a permanent and accumulating sinking fund for the redemption of the said bonds, to be annually remitted to the agents in London, Paris, Amsterdam, or wherever the said loan may be negotiated, who shall be authorized to pay the dividends on the bonds to purchase the said bonds whenever those bearing a less rate of interest than ten per cent. can be purchased at or under par; and it is further declared, that any saving of interest which may arise from the negotiation of the bonds bearing a less rate of interest than ten per cent., shall be annually carried to a sinking fund appropriated for the redemption of said loan or loans.

Sec. 12. Be it further enacted, That so soon as the loan or any part of the loan authorized is negotiated, the Commissioners or any one of them shall have full power to draw forthwith for

the same, or authorize any president or cashier of any bank in the first credit in the city of New York, of the United States, to do the same, and to deposite the nett proceeds of said loan or any part of it which may be negotiated to the credit of the Republic of Texas in said bank, to be drawn by an order of the President of said Republic, countersigned by the Secretary of the Treasury, to be disposed of as Congress may by law direct.

Sec. 13. Be it further enacted, That in the event of the absence or death of one of the Commissioners, any contract made by the other shall be conclusive and binding on the Republic of Texas; although the concurrence of both Commissioners is necessary and binding to the signature and issue of said bonds.

Sec. 14. Be it further enacted, That so much of the previous loan act of this Republic, as requires that the bonds issued should be signed by the Minister at Washington, or London, or Paris, be and the same is hereby repealed, and full validity is hereby given to all bonds hereafter signed and sealed by the Commissioners, under the commission of the President of this Republic, without said signature.

Sec. 15. Be it further enacted, That for the redemption of all loans negotiated by the authority of the Republic of Texas, independently of the reservation of the sinking fund, the proceeds of the public lands generally, its revenues and public faith are solemnly pledged.

Sec. 16. Be it further enacted, That no portion of the loan that may be negotiated for the Republic of Texas, shall be paid out than as hereafter appropriated by law.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved 14th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

Supplementary to an act to amend the several laws regulating the Post Office Department.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That it shall be the duty of the Post-Master General to render an

account current to the Secretary of the Treasury once in every three months, of all the receipts and expenditures, in said Department, to be audited and settled, as all other public accounts, at the same time, stating generally, the condition of the Department, suggesting such improvements, as in his opinion, may be useful and necessary, and he shall render his first quarterly account on the first Monday in April next.

Sec. 2. Be it further enacted, That the Post-Master General shall give bond and security, to be approved by the President, in a sum not less than twenty-five thousand dollars, payable to the President of this Republic, or his successors in office, conditioned for the faithful performance of the duties of said office.

Sec. 3. Be it further enacted, That a direct mail route be and the same is hereby established from the city of Austin to the city of Houston by the way of Bastrop, La Grange and San Felipe; and the Post-Master General be and is hereby required to contract for, and have a mail conveyed on said route twice a week, to commence as early as practicable.

Sec. 4. Be it further enacted, That there is hereby established a mail route from San Felipe to Velasco by the way of Richmond, Orazimbo, Columbia, Brazoria and Crosby's, the mail to be transported weekly, so as to meet the mails going from the city of Austin to Houston, or returning therefrom; and the Post Office at San Felipe, for this purpose, is hereby made a distributing office; it is further provided, that a weekly mail route be and is hereby established from La Grange to Gonzales, and a weekly mail route from San Augustine to Macon in Harrison county by way of Shelbyville and the seat of justice of Harrison county.

Sec. 5. Be it further enacted, That a weekly mail route be and is hereby established from Houston to Swartwout via Liberty and Menard's mill, and also a route from Swartwout to Jasper via Robert Barclay's every two weeks; and that Post offices be established on said route at Liberty, Menard's mill, Swartwout and at Robert Barclay's; it is further provided, that the Post-Master General be and he is hereby authorized to contract for the transportation of a weekly mail, over the mail route established the 23d May, 1838, from the city of Galveston to the towns of Matagorda and Texana via Velasco and Quintana.

Sec. 6. Be it further enacted, That the Post-Master General be required to contract for the transportation of the mails over the routes established in the preceding sections as soon as practicable, and that he be also required to procure and furnish

bags for carrying the mails over all the various routes in the Republic, with locks for the same, and a sufficient number of keys as to furnish one key for every Post Office.

Sec. 7. Be it further enacted, That in all cases of failure to perform the trips stipulated in the different contracts for carrying the mail over the various routes in this Republic, the contractor or contractors so failing shall forfeit and pay treble the amount which would have been due said carrier or carriers under their contracts for the transportation of the same; and the Post-Master-General is hereby required to retain the amount of all such forfeiture out of any dues to such contractor or contractors, or to sue for the same on the bonds given by such contractor or contractors in any court, having cognizance of the same, unless satisfactory proof be made that such failure resulted from some unavoidable circumstance.

Sec. 8. Be it further enacted, That the sum of one hundred thousand dollars be and the same is hereby appropriated to defray the expenses of the Post Office Department for the year 1840.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved 14th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

Supplementary to an act, to provide for the protection of the Northern and Western Frontier.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That after positions shall have been selected as specified in the act to which this is a supplement, it shall be the duty of the Colonel to cause 320 acres of ground to be laid off around each station for the use of the Government, and shall further cause nine square leagues of land upon the nearest vacant lands to each station, and cause the same to be laid off into lots of one hundred and sixty acres each, which shall be disposed of as contemplated in the act to which this is a supplement.

Sec. 2. Be it further enacted, That it shall be the duty of the Colonel, or in his absence the officer commanding, to set apart out of the 320 acres, heretofore appropriated to the use of the Government, a lot of ground to be cultivated by the garrison, in the proportion of one acre to each soldier, and further that the Commander of each post, may at his discretion, cause such quantity of ground to be cultivated as a garden, as he may deem proper, for the convenience of his garrison.

Sec. 3. Be it further enacted, That should it happen that a sufficient number of the nine leagues reserve contemplated by the act, to which this is a supplement, cannot be had on vacant lands around each post, to supply the required number of bounties of one hundred and sixty acres each, to the privates enlisted under the terms of the act, to which this is a supplement, it is hereby made a right of the privates so enlisted, to receive under the terms of the beforementioned act, a bounty of two hundred and forty acres on those reserves at a distance from the post.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

Allowing Discounts and Set-Offs.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That when any suit shall be commenced and prosecuted, in any court within this Republic, for any debt due by judgment, bond, bill, or otherwise, the defendant shall have liberty, upon trial thereof, to make all the discounts he can against such debt; and upon proof thereof, the same shall be allowed in court.

Sec. 2. Be it further enacted, That in every action in which a defendant shall desire to prove any payment on set-off, he shall file, with his plea, an account, stating distinctly the nature of such payment or set off, and the several items thereof; and on failure to do so, he shall not be entitled to prove before

the jury such payment or set-off, unless the same be so plainly and particularly described in the plea, as to give the plaintiff full notice of the character thereof.

Sec. 3. Be it further enacted, That no defendant shall be allowed to set-off any discount or demand against the plaintiff's cause of action, which he may have become entitled to, or procured, after suit instituted, so as to defeat the action, and deprive the plaintiff of his costs of suit; Provided, That the defendant can, in every case, plead any legal discounts or set-offs which he may have up to the time of making his defence according to the rules of pleading; but the court shall, in all cases, when it appears that the defendant's discounts or set-offs were obtained after the institution of suit, give judgment for the amount which is proved to be actually due the plaintiff, (if any there be) together with his costs of suit expended in that behalf.

Sec. 4. Be it further enacted, That whenever any plaintiff may institute his suit for, and establish a demand in any court having jurisdiction of the same, and his claims be reduced by set-off, to an amount not within the jurisdiction of the court, judgment still shall be given for the amount due the plaintiff, and for costs of suit; should the set-off of the defendant exceed the amount established by the plaintiff, then judgment shall be given in favor of the defendant, for the amount that his claim may exceed that of the plaintiff, but the plaintiff shall recover the costs of the suit; but should the claim of the plaintiff be reduced to a sum not within the jurisdiction of the court, by payment, then judgment shall be given in favor of the plaintiff for the balance due; but the defendant shall recover the costs of the suit; and when the defendant may have a claim against the plaintiff, similar in its nature (but they need not be of the same degree) to that of the plaintiff, he shall be permitted to file in his answer a plea of reconvention, setting forth the amount due him, and judgment shall be given in favor of that party who may establish the largest claim, for the excess of his claim over that of his opponent and for costs.

Sec. 5. Be it further enacted, That if the plaintiff's cause of action be brought on a claim for unliquidated or uncertain damages, founded on a tort or breach of covenant, the defendant shall not be permitted to set-off or discount any debt due him by the plaintiff; and if the suit be founded on a certain demand, the defendant shall not be permitted to set-off unliquidated or uncertain damages, founded on a tort or breach of covenant, on the part of the plaintiff.

Sec. 6. Be it further enacted, That all laws contrary to the provisions of this act, are hereby repealed.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To establish the method of trying the Right of Property levied on by Execution, when the property is claimed by any person not a party to such Execution.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That if any Sheriff shall levy an execution on property, and a doubt shall arise whether the right of such property is in the debtor or not, such sheriff may apply to the plaintiff, his attorney or agent for his bond, with good security, for indemnification for the sale of the property seized; which, if the plaintiff, his attorney or agent refuses or fails to do, within ten days after such application, the Sheriff, or other officer shall be justified in delivering up such property to the party from whose possession it was taken.

Sec. 5. Be it further enacted, That in all cases where a Sheriff, Coroner, or Constable, or other legal officer may levy an execution on property, the title of which is disputed, and shall have taken, or may hereafter take a bond of indemnity, and shall have been, or may hereafter be sued for so doing, by the rightful owner of such property so levied on, and sold, and a recovery had against such Sheriff, Coroner, or Constable or other legal officer, it shall and may be lawful for such officer upon motion in any court having jurisdiction of the matter, to obtain judgment against the obligor or obligors, or either of them, on such bond of indemnity, for the amount of the damages and costs that may have been recovered against him in trying the right of property, if the property when levied on was not in the possession of the defendant in the execution, the burden of proof shall be upon the plaintiff, if it was in his possession, then the burden of proof shall be upon the claimant.

Sec. 3. Be it further enacted, That it shall be the duty of the Sheriff to return the property levied on to the person, out of whose possession the same was taken, upon such person entering into bond with good security to the plaintiff in execution, in double the amount of the debt and costs, conditioned for the delivery of the property to the Sheriff, whenever the claim of the property so taken shall be determined by the court not to belong to such party, and if any person to whom property is so returned, shall neglect, or refuse to deliver the property to the Sheriff, it shall be the duty of the Sheriff forthwith to return the bond to the clerk of the court in which the trial of the right of property is had, which bond shall have the force and effect of a judgment, and execution may be awarded by the court, or justice of the peace, as the case may be, against all or any of the obligors, and on such execution no delivery bond shall be taken; Provided, That a claim to property made in conformity to the provisions of this act, shall operate as a release by the claimant of all right to damages against the Sheriff, or other officer, which he might have had by reason of the taking of such property in execution.

Sec. 4. Be it further enacted, That if such claimant shall refuse, or fail to give such bond and security, it shall be at the option of the plaintiff in execution to indemnify and sell the property, just as if no such claim had been made to it, or await the judgment of the court, upon the issue made upon, to try the right of said property.

Sec. 5. Be it further enacted, That in all trials of the right of property aforesaid, when the claimant shall fail to establish his claim to such property, the court shall give ten per centum damages against him on the amount of the execution.

Sec. 6. Be it further enacted, That in case any execution or attachment issued from any other court, levied upon property which is claimed by any person or persons, not a party to the execution or attachment, the right to the same shall be tried in the same manner (as nearly as may be) as is prescribed in the foregoing act, in all such cases, conforming to the rules and proceedings established for the regulation of the court from which the execution issued.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To punish Swindling and other offences therein named.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That whoever shall falsely and deceitfully obtain, or get into possession any money, goods, chattles, notes or bank bills by color and means of some false token, or under any false pretence whatever, on conviction thereof, he shall be fined in a sum not exceeding one thousand dollars, and shall be imprisoned not more than two years, at the discretion of the court.

Sec. 2. Be it further enacted, That whoever shall fraudulently pass or transfer, or offer to pass or transfer any paper purporting to be bank paper, and to be issued by any bank or banks, which have never existed, or which having existed, have since broken, with intent to defraud, on conviction thereof before the district court, shall be imprisoned not less than one nor more than five years, at the discretion of the court, and receive thirty-nine lashes on the bare back.

Sec. 3. Be it further enacted, That this act shall be specially given in charge to the grand juries at the commencement of each session of the district court, and indictments under this statute shall not abate for want of form.

Sec. 4. Be it further enacted, That this act shall take effect from and after its passage.

Sec. 5. Be it further enacted, That all laws punishing theft, forgery and counterfeiting with death, so far as relates to the punishments, be and are hereby repealed, and that the punishment of these offences shall be thirty-nine lashes on the bare back, and imprisonment for any time not less than one, nor more than five years, at the discretion of the court: Provided, That all offences heretofore committed, shall be punished by the laws under which such offences were committed.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

For creating Funds for the support of Government, for the year 1840.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Secretary of the Treasury is hereby authorized and required to procure, engraved or lithographed, as he may deem best, blank forms, to be used for bonds of the Government, of the denomination of \$100 \$500, and \$1,000, which blanks when procured shall be signed by the President and countersigned by the Secretary of the Treasury, and shall be filled up in the name of the Stock Commissioner, by whom they shall be endorsed, and thereby rendered transferable by simple delivery, and redeemable at the pleasure of the Government at any after the 1st of January, 1846, and bearing an interest of eight per centum per annum, payable in gold or silver at the Treasury Department, the first payment of interest to be made on the first of July, 1841, and semi-annually thereafter, on the first days of January and July.

Sec. 2. Be it further enacted, That there is hereby created a fund of one million five hundred thousand dollars, to be known and styled the eight per centum fund, and on which the bonds referred to in the foregoing section must be based, and the bonds shall be numbered and registered in the office of the Secretary of the Treasury, and likewise numbered and registered by the Stock Commissioner, and after endorsed by that officer, returned to the Secretary of the Treasury for issue, as circumstances may require in payment of appropriations for the support of Government for the year 1840.

Sec. 3. Be it further enacted, That the bonds before referred to, shall be at all times receivable by any Collector of revenue, or at the Treasury Department in payment of any debt to the Government, or any duties by impost or direct taxation, for the amount value of such funds, and the interest which may have accrued thereon: Provided, That no fractional amount of interest, less than a semi-annual portion, shall be allowed on such bond, when offered in payment as aforesaid.

Sec. 4. Be it further enacted, That for the payment of the interest on the bonds before referred to, the revenue arising from license tax, and the tax on personal property, is hereby set apart for that purpose.

Sec. 5. Be it further enacted, That the bonds before referred to, shall have attached to them coupons or warrants, for the

amount of semi-annual interest, and which shall severally be cut off and detached, when the respective amount of interest shall be paid by the Treasury Department, which coupons or warrants shall all be filed in the said Department as vouchers for the payment of the interest.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

Authorizing the issuing of Duplicate Land Warrants, Discharges and Certificates for Head-Right Claims, upon certain conditions.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That any person who may have lost any land warrant, discharge or a certificate for a head-right claim, emanating from the Government, and entitling the holder to a bounty of land, shall be entitled to demand and receive a duplicate of the same so lost, by complying with the provisions hereinafter prescribed in this act.

Sec. 2. Be it further enacted, That any person having lost any of the above mentioned certificates, or evidences of claim, shall previous to applying for a duplicate of the same, make or cause publication to be made for sixty days, in at least one newspaper, published at the nearest place where the individual resides, which publication shall describe as correctly as possible the paper lost; and give notice that unless intelligence of it is received at the Department of War, within three months of the date of publication: he will apply to the proper officers for a duplicate of the paper so lost.

Sec. 3. Be it further enacted, That when any person shall apply for a duplicate of any claim against the Government, he shall be required to prove that he has fully complied with the preceding section of this act, and shall take and subscribe an oath to the following effect: That he was the just owner of the claim, that he had never sold, alienated, or transferred the same in any

manner, that it has been lost, and that since lost, he has neither known or heard of the same; whereupon it shall be the duty of the Secretary of War, if the claim so lost be a discharge, or a land warrant which had been issued from his Department, if no intelligence of the same has been received, to issue to the claimant the same quantity of land as was conferred by the original; and if the claim so lost be a certificate which had issued from any of the boards of Land Commissioners of any of the Counties of the Republic, and shall have been reported by the Commissioners appointed to investigate and examine the records of the different land offices as genuine and legal, if no intelligence of the same has been received as aforesaid, it shall be the duty of the Commissioner of the General Land Office to issue to the claimant a duplicate entitling him to the same quantity of land as was conferred by the original; Provided, That administrators, and the legal representatives of deceased persons shall not be required to take the oath prescribed in this act.

Sec. 4. Be it further enacted, That should any land warrant, discharge, or certificate for a head-right of land, for which a duplicate had been issued, be ever after presented to the Commissioner of the General Land Office or Secretary of War, and should it appear that such land warrant, discharge, or certificate for a head-right of land was not lost, but was sold or in any way alienated by the person who obtained the duplicate thereof, it shall be the duty of the Secretary of War, or Commissioner of the General Land Office to give information of the fact to one of the District Attorneys, who shall prosecute the aforesaid person for perjury; and should he be convicted, in addition to the statutory punishment for that crime, he shall be incapable of ever after holding property within, or enjoying any of the privileges of a citizen of this Republic.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 14th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

To amend an act to provide for the Foreclosing of Mortgages on Real and personal Estate, approved May 15th, 1838.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, the method of foreclo-

sing mortgages on land or slaves, shall be as follows: any person entitled to foreclose a mortgage on land, or his or their attorney, shall file his petition in the clerk's office of the District Court of the county where such land, or a part thereof is situated, stating the case and the amount of the demand, and describing the property mortgaged. Whereupon the mortgagor shall be summoned to appear at the next term of said court to shew cause why judgment should not be rendered in favor of the mortgagee for such sum with interest and costs as shall be due on such mortgage, which summons shall be served upon the defendant in the manner, and (the) same proceedings shall thereupon be had as in ordinary cases of civil suits, if the defendant be a resident of the country, if not, then notice of the pendency of said suit shall be given by publication made in some public gazette at least four successive weeks before the commencement of the court in which suit is instituted; and if the defendant should fail to appear at the aforesaid court, or appearing, should show no cause why the mortgage should not be foreclosed, then judgment shall be rendered for said mortgagee so petitioning, and execution issue as in other cases; but if there be any dispute about the amount due on any mortgage, if the mortgagor shall appear within the time prescribed by the rules of pleading, and make affidavit of a just defence, the court shall order a trial of the facts before a jury as in other cases.

Sec. 2. Be it further enacted, That the remedy to foreclose mortgages on personal property, shall remain and be as heretofore, and if there should be any dispute as to facts, the trial shall be subject to the same rules and regulations as by law govern the District Courts of this Republic.

Sec. 3. Be it further enacted, That all mortgages shall be recorded as heretofore, but the lien created by the making of the mortgages shall not be lost nor destroyed as between the parties to it; if the mortgagor should fail to have it recorded within the time prescribed by law.

Sec. 4. Be it further enacted, That all laws and parts of laws, now in force, in anywise contravening with the provisions of this act, be and the same are hereby repealed.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

Supplementary to an act, providing for the payment of persons for Military Services heretofore rendered. Approved January 14th, 1840, and better to define the duties of the First and Second Auditors.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Treasurer of the Republic of Texas is hereby directed to pay all audited drafts in original hands for personal services rendered and for supplies furnished the army and navy, agreeable to the provisions of the above recited act.

Sec. 2. Be it further enacted, That legal representatives of deceased persons, to whom this Government was indebted at the time of their death, shall not be required to take the oath prescribed by law, that the claim presented by them is just, true and original, or that the deceased whose representative he or she is, was not indebted to the Government, &c., but if it appears from the records of the first auditor, and other officers, that the said claim is just, and no account on part of the Government against such deceased, appears from such records, then such account shall be audited and allowed accordingly; Provided, That nothing herein contained shall be so construed as to permit the Treasurer to pay any draft used by the auditorial court.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved February 4th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To enable part owners of Land to obtain Partition thereof, and for other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all part owners of any estates, of inheritance in lands, tenements, and hereditaments in their own rights, or in the rights of other persons, and all part owners, who may hold for a term of

life, or years with others, who may have estates or inheritance, or freehold in any lands, tenements, or hereditaments may be compelled to make partition between them, of such lands, tenements, and hereditaments as they may hold as part owners, by such lawful method as the party seeking such partition shall choose, or deem expedient; but no such partition between a part owner, or part owners, who hold estates for a term of life or years with others, who hold equal, or greater estates, shall be prejudicial to those entitled to the reversions, or remainders, after the death of the owners for life, or after the expiration of the years.

Sec. 2. Be it further enacted, That partition may be demanded by one and the same writ of all the several parcels of land or other real estate, to which the parties have titles, and execution thereupon had by the Sheriff, and three special commissioners to be appointed by the court, with the assent of the parties by allotment to each party, of part in each parcel, or of parts in one or more parcels, or of one or more individual parcels, with or without the addition of a part or parts of other parcels as shall be most for the interest of the parties in general.

Sec. 3. Be it further enacted, That after a writ of partition returned served, if the part owner, or part owners shall enter their defence (if any they have) within the ordinary term allowed by the rules of pleading, the court may proceed to examine the title of the demandant, or demandants, and the quantity demanded, and shall give judgment by default, for so much as shall appear to be justly claimed, and award a writ to make partition, which being executed by giving notice as before to the persons interested judgment final shall thereupon be given, which shall be as binding as if it had been made after a full hearing and upon a trial, unless any part owner within one year after the first judgment, or being an infant, a married woman, or person of unsound mind, or out of the Republic, within one year after the attainment of full age, death of the husband, recovery of understanding, or return to the country, respectively, by motion to the court, either admitting the demandants right, and "purport" shall show inequality in the partition, (in which case,) the court may award a new partition to be made, and that in the presence of all the parties if they choose to attend it, and the second partition shall be as binding as if the part owner had appeared and pleaded in the first instance, or else shall show sufficient matter in bar of the partition, or that the demandant hath no title to so much as he or she hath recovered, in which case, the court may suspend or set aside the judgment, and admit the part owner to appear and plead, and the cause shall proceed as if no judgment had been given, and if

upon the trial thereof, the court shall give the same judgment as the first, it shall stand confirmed, and the person or persons in whose behalf the motion was made shall be condemned to pay the cost.

Sec. 4. Be it further enacted, That they who were part owners of the lands, tenements, and hereditaments, or any part thereof, before they were divided, shall hold the same of the landlords to whom they shall be allotted by the partition in severalty under the same conditions, rents, covenants, and resolutions; and the landlords shall warrant the several parts unto the tenants, as action, for his purpart of lands, tenement, and hereditaments, demandant, who was tenant, in actual possession to the tenant to the action, for his purpart of lands, tenement, and hereditaments, derived by virtue of a writ of partition, or any part thereof, shall hold for the same term, and under the same conditions and covenants, when it shall be allotted in severalty.

Sec. 5. Be it further enacted, That the representative of one jointly bound with another, for the payment of a debt, or for performance or forbearance of any act, or for any other thing, and dying in the lifetime of the settee, may be changed by virtue of such obligation, in the same manner as such representative might have been charged, if the obligors had been bound severally as well as jointly.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 5th February, 1840.

MIRABEAU B. LAMAR.

AN ACT

For the protection of the Revenue and other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That for the present, and until otherwise provided for, that the collectorial district of the port of Galveston be, and is hereby extended to the northern. north-eastern boundary of the county of Galveston, so as to include Point Bolivar; and that the collector of said port be authorized to appoint an inspector, whose duty shall be to guard and watch over the action and proceeding of

all vessels and boats, and persons on board of either, which may approach the coast within said extended limits, and prevent smuggling, and all other frauds on the Revenue; and further, that the President be requested to instruct the Secretary of the Navy, to keep constantly employed, until otherwise provided for, one or more of the armed schooners now in commission, on the coast of Texas, from the mouth of Sabine Inlet to the mouth of the Rio Bravo del Norte, for the protection of the Revenue, which vessel or vessels shall perform the service and duties of revenue cutters, in the same manner as similar services are performed by revenue cutters of the United States.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, 5th February, 1840.

MIRABEAU B. LAMAR.

AN ACT

To amend and to reduce into one, the several laws regulating the Post Office Department.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That there shall be, and there is hereby enacted and established a General Post Office, to be under the charge and direction of a Post-Master-General, to be nominated by the President, subject to approval or rejection of the Senate; and he shall hold his office for the term of three years, and shall give bond and security, to be approved by the President, in a sum not less than twenty-five thousand dollars, payable to the President of this Republic, or his successor in office, conditioned for the faithful performance of the duties of said office. The Post-Master-General shall have power to appoint the necessary assistants, and clerks for doing the business of his office. He shall establish Post Offices, and appoint Post-Masters at such places as he may deem expedient, on post roads that are, or may be established by law. He shall give instructions to the Post-Masters, and all other persons he shall employ, or who may be employed in any of the departments, of the General Post Office, relative to their duties. He shall provide for the carrying the mail on all post roads, that are, or may be es-

established by law as aforesaid, as often as he may think proper, having regard to the productiveness thereof. He shall be required to procure and furnish bags for carrying the mail over all the various routes in the Republic, with locks for the same, and a sufficient number of keys, so as to furnish one key for every Post Office. He shall obtain from the several Post-Masters their accounts and vouchers for the receipts and expenditures of their several offices once in every three months, or oftener if he think proper, shewing the balance therein in favor of, or against the General Post Office. He shall pay all necessary expenses incident to the General Post Office in consequence of mails, collection of the revenue, and in the general management thereof from the income of the General Post Office Department, if the receipts thereof be sufficient. He shall in his annual communication to the Executive of this Republic, report all the receipts and expenditures of the Department, and any deficiency in the funds necessary for the current expenses thereof, who shall submit the same to Congress, in order that they may provide the ways and means for supplying such deficiency. He shall render an account current to the Secretary of the Treasury once in every three months, of all the receipts and expenditures in said Department, to be audited and settled as all other public accounts, at the same time stating generally the condition of the Department; suggesting such improvements as in his opinion may be useful and necessary: and shall render his first quarterly accounts on the first Monday of April next. He shall prosecute, or cause to be prosecuted, all offences against the General Post Office establishment. He shall have general superintendence of the business of said Department, in all the duties that are, or may be assigned to it; Provided, That in case of the death, resignation, or removal from office of the Post-Master General, all the duties of the Department shall be performed by his assistant, chief clerk, until a successor shall be appointed to take charge of the General Post Office.

Sec. 2. Be it further enacted, That the Post-Master-General, and assistant clerks, and Post Masters, and other persons employed in and about the Department, or in the care, custody, or conveyance of the mails, shall, previously to entering upon the respective duties assigned them, take and subscribe the following oath, or affirmation in addition to the oaths required by all officers of the Government, before some person legally authorized to administer an oath; That "I will faithfully perform all the duties required of me, and abstain from every thing forbidden by the laws in relation to the establishing the General Post Office, and Post Roads."

Sec. 3. Be it further enacted, That the Post-Master-General may provide by contract for the conveyance of the mail on any road on which a stage, or waggon, or any other stage carriage shall be established; all contracts for carrying the mail, whether on horseback or otherwise, shall be for any term not exceeding two years, and at all times subject to such alteration, as to time of departure, arrival, and distances, and frequency of transportation as he may think proper, subject however, to an increase or diminution on the amount to be paid on said contract to the contractor, in ratio of increase or diminution of service required.

Sec. 4. Be it further enacted, That it shall be lawful for the Post-Master-General at pleasure to revoke any contract which may have been made for carrying the mails on any of the routes established, or to be established by Congress; but in that event the contractor or contractors shall be entitled to and receive from the Post-Master-General, in the settlement of his or their accounts such compensation as in his opinion may be just and equitable; Provided, That it shall in no case exceed the pay of one month under his or their contract, and provided also, That such revocation shall not have been annulled for failures upon the part of the contractor or contractors to comply with the stipulations of his or their contract, for violating the Post Office Law, or disobeying the instructions of the Post Office Department.

Sec. 5. Be it further enacted, That in all cases of failures to perform the trips stipulated in the different contracts for carrying the mail over the different routes in this Republic, the contractor or contractors so failing, shall forfeit and pay treble the amount which would have been due such contractor or contractors under their contracts for the transportation of the same, and the Post-Master-General is hereby required to retain the amount of all such forfeitures out of any dues to such contractor or contractors, or to sue for the same on the bonds given by such contractor or contractors in any court having cognizance of the same, unless satisfactory proof be made that such failure resulted from some unavoidable circumstance.

Sec. 6. Be it further enacted. That no other than a citizen of this Republic shall be employed in carrying the mail on any of the post roads, either as contractor, carrier, rider, or driver; any and every violation of this act shall subject the contractor for each offence to forfeit and pay the sum of one hundred dollars, one moiety thereof to the use of this Republic, and the other moiety to the use of the person who shall sue for and prosecute the same before any court having competent jurisdiction thereof:

that it shall be the duty of every ferryman, or keeper of a ferry on any water course, to pass over, free of charges, the driver or carrier of the mail, and any horse or carriage carrying the same.

Sec. 7. Be it further enacted, That if any person shall knowingly and wilfully obstruct or retard the passage of the mail, or of any driver, or carrier, or any horse, or carriage carrying the same, he shall, upon conviction thereof for every such offence, pay a fine not exceeding one hundred dollars, and if any ferryman shall by wilful neglect, or refusal to transport the mail across any ferry, hinder, or delay the same, he shall forfeit and pay for every ten minutes a sum not exceeding ten dollars.

Sec. 8. Be it further enacted, That it shall be the duty of every Post-Master-General to give public notice in one or more of the newspapers of Texas for at least four weeks before entering into any contract for carrying the mail, that such contract is intended to be closed on the day and at such place as he may designate, that sealed proposals will be received for contracts: the notices shall designate places from, and to which such mail is to be carried, and the days and hours on which it is to leave and be delivered. He shall, moreover, within thirty days after the making of any contract, lodge the duplicate thereof, together with a copy of the proposals which he shall have received respecting it, in the Department of the Secretary of State, and no contract shall be entered into for a longer time than two years.

Sec. 9. Be it further enacted, That every Post-Master shall keep an office in which one or more persons shall attend on every day on which a mail, or bag, or other packet, or parcel of letters shall arrive by land or water, as well as on such other days and hours as the Post-Master-General shall direct, for the purpose of performing the duties of his office, and it shall be the duty of all Post-Masters at all reasonable hours on every day of the week to deliver on demand any letter, paper, or packet to any person entitled to, or authorised to receive the same; and all letters brought to any office one-half hour before the making up the mail at such office, shall be forwarded therein.

Sec. 10. Be it further enacted, That no fees or perquisite shall be received by any person employed in the General Post Office on account of the duties to be performed in virtue of this office.

Sec. 11. Be it further enacted, That the following rates of postage shall be charged on all letters and packets (except such as are herein exempted) conveyed by the mails and posts of Texas, that is to say: for every letter composing a single sheet of paper, and conveyed any distance not exceeding forty miles, twelve

and-a-half cents; over forty and not exceeding one hundred miles, twenty-five cents; over one hundred and not exceeding one hundred and fifty miles, thirty seven and one-half cents; over one hundred and fifty miles, fifty cents; upon all ship letters, six and a quarter cents shall be charged in addition to the above rates, and for every package composed of more than four or more pieces of paper or thing, and weighing one ounce, quadruple those rates, and in that proportion for all greater weights; newspapers carried not over one hundred miles, one cent each; over one hundred miles, two cents each; pamphlets carried not over fifty miles, per sheet, one cent each; pamphlets carried not over one hundred miles, per sheet, one and a-half cents per sheet; pamphlets carried over one hundred miles, per sheet, two and a half cents each: all letters, newspapers, and pamphlets going out of Texas, it shall be the duty of the Post-Master to require the postage in advance.

Sec. 12. Be it further enacted, That if any Post-Master, or other person authorized by the Post-Master General to receive the postage of letters, shall fraudulently demand or receive any rate of postage, gratuity or reward, further than is provided by this law for the postage, of letters and packets, on conviction thereof, he shall forfeit and pay for every such offence, one hundred dollars, and shall be rendered forever incapable of holding any office of profit or trust under this Government.

Sec. 13. Be it further enacted, That no ship or vessel arriving at any port of Texas, where a Post Office is established, shall be admitted to report, make entry, break bulk until the master or commander shall have delivered to the Post-Masters, all letters directed to any person or persons within this Republic, under his care or within his power, which shall be brought in such ship or vessel, except such as are directed to the owner or consignee of such ship or vessel, and except also, such as are directed to be delivered at the port of delivery, to which such ship or vessel may be bound; and it shall be the duty of the Collector or other officer of the port empowered to receive entries of ships or vessels, to require of every master, owner or commander of such ship or vessel, on oath or affirmation, purporting that he has delivered, or caused to be delivered, all such letters, except as aforesaid, and if any commander, or master of any such ship, or vessel, shall break bulk before he shall have complied with the requirements of this act, every such offender shall on conviction thereof, forfeit and pay for every such offence a sum not exceeding one hundred dollars.

Sec. 14. Be it further enacted, That the Post-Master to whom such letters or packages shall be delivered, shall obtain from the person delivering the same, a certificate stating the number of letters and packets, with the name of the ship or vessel and the place from whence she last sailed, which certificate shall be reported with his quarterly accounts current to the Post-Master-General.

Sec. 15. Be it further enacted, That if any person other than the Post-Master-General, or his deputy, or person by them employed shall be concerned in setting up, or maintaining any foot, or horse, post-waggon, or any other post-carriage, or any established post-road, or any road adjacent or parallel to any established post-road, or any packet, boat, or other vessel to ply regularly from one place to another, between which a regular communication by water shall be established by law, and shall receive any letter, or packet other than newspapers, magazines, and pamphlets, and carry the same by such foot, stage-waggon, or other carriage, packet, boat or vessel, excepting on such letter or letters as may be directed to the owner or owners of such conveyance, and relative to the same, or to the person to whom any packet, or bundle in such conveyance is intended to be delivered; every person so offending shall forfeit, for every such offence, a sum not exceeding one hundred dollars.

Sec. 16. Be it further enacted, That the deputy-post-master, or other agents of the Post-Master-General shall duly account and answer to him for all postages on way-letters which shall come to their hands and for this purpose the post-riders, and other carriers of the mail, receiving any way-letters which they shall be bound to do, if presented two miles and upwards from a post-office, shall deliver the said letter or letters to the Post-Master, or his deputy at the first post-office he may arrive at, together with the postage if paid, whose duty it shall be to specify to the same as way-letters, adding six and a-fourth cents additional postage on each of such letters he may have so received, to be paid by him to the carrier who delivered them; letters directed to persons living between post-offices may be delivered by the carriers, and the postage thereof duly collected; and it shall be the duty of the carriers of the mail to take charge of all such letters as shall for that purpose be committed to him by the post-master, and collect the postage thereof, which it shall be the duty of such post-rider to pay over to the said Post-Master as it is collected, and for every letter so delivered, the same shall be allowed to receive six and a-fourth cents to his own use besides the ordinary postage; if any Post-Master, or other agent of the Post-Master-General,

shall neglect to account for the same, he or they so offending, shall on conviction thereof, forfeit for every such offence, a sum not exceeding one hundred dollars.

Sec. 17. Be it further enacted, That if any post master or other agent of the General Post Office, shall unlawfully detain, or delay, or open any letter, packet, bag, or mail of letters with which he shall be entrusted, or which shall have come to his or their possession, and which are intended to be conveyed by post, or if any such person shall secrete, embezzle, or destroy any letter, or packet entrusted to him or them as aforesaid, and which shall not contain any security for any assurance relating to money as hereinafter described, every such offender being thereof duly convicted, shall, for every such offence, be fined a sum not exceeding one thousand dollars, and be imprisoned not exceeding twelve months, according to circumstances, or aggravation of the offence; and if any person employed as aforesaid, shall secrete, embezzle, or destroy any letter, mail, or packet, or bag of letters with which he should be entrusted, or which shall have come into their possession, and are intended to be conveyed by post, containing any bank note, post-bill, or other paper expressive of value, or if any such person employed as aforesaid, shall steal, or take any of the same out of any letter, packet, bag, or mail of letters that shall come to his possession, he shall, for every such offence, be imprisoned for a term not exceeding ten years; and if any person who shall have taken charge of the mail of Texas, shall quit or desert the same before he delivers the same into the post office, kept at the termination of his route, or to some known mail carrier, or agent of the General Post Office duly authorized to receive the same, and every such person so offending, shall forfeit and pay a sum, not exceeding five hundred dollars for every such offence; and if any person concerned in carrying the mail of Texas, shall cause or procure the same to be done contrary to this act, every such offender, shall forfeit and pay for every such offence, a sum not exceeding two hundred dollars.

Sec. 18. Be it further enacted, That if any person shall rob any carrier of the mail of Texas, or any other person entrusted with such mail, or any part thereof, every such offender or offenders, shall on conviction, be imprisoned for a term not exceeding ten years; and if convicted a second time of a like offence, he or they shall suffer death; or if in effecting such robbery of the mail the first time, the offender shall wound the person having the custody thereof, or put his life in jeopardy by the use of dangerous weapons, such offender or offenders shall suffer death; and if any person shall attempt to rob the mail of Texas, assaulting

the person having the custody thereof, by shooting at him, or his horse or mule, or threatening him with dangerous weapons, and the robbery is not effected, every such offender, upon conviction thereof, shall be punished by imprisonment not exceeding ten years; and if any person shall steal the mail, or shall steal and take out any part thereof, out of any post office, or any letter, or packet, or if any person shall take the mail, or any letter or packet therefrom, or from any person, whether with or without the consent of the person having custody thereof, the same containing any article of value, or if any person shall by fraud or deception, obtain from any persons custody thereof, any mail, letter or packet, or any article of value, such offender or offenders, on conviction thereof, shall be imprisoned not exceeding three years; and if any letter, or packet not containing any article of value, on evidence thereof, out of a post office, or shall open any letter or packet, which shall have been in a post office, or in the custody of a mail carrier, it shall have been delivered to whom it is directed, with a design to obstruct the correspondence or to pry into another's business, or shall secrete or embezzle, or destroy any such mail, letter or packet, such offender, upon conviction, shall for every such offence, pay a fine not exceeding five hundred dollars, and be imprisoned not exceeding twelve months.

Sec. 19. Be it further enacted, That if any person shall rip, cut, tear or burn, or otherwise injure any portmanteau, valise or other bag, used or directed to be used by any person acting under the authority of the Post-Master-General, or any person in whom his powers are vested in the conveyance of any mail, packet, newspaper or pamphlet, or shall draw or break any staple, or loosen any part of any lock, chain or strap attached, or belonging to any such valise, portmanteau or bag, with an intent to rob, or steal any mail, letter, packet, newspaper or pamphlet, or to render either of the same insecure, every such offender, upon conviction, shall for every such offence, pay a sum not exceeding five hundred dollars, or be imprisoned not exceeding three years, at the discretion of the court before whom such conviction is had.

Sec. 20. Be it further enacted, That every person who shall, from and after the passage of this act, procure, aid, advise or assist in the doing or perpetrating of any of the acts or crimes by this act forbidden to be done or performed, shall be subject to the same penalties and punishments as the persons are subject to who shall actually do, or perpetrate any of the said acts or crimes, according to the provisions of this act.

Sec. 21. Be it further enacted, That any person who shall be imprisoned by judgment of court under and by virtue of the seventeenth, eighteenth and nineteenth sections of this act, shall be kept at hard labor; or otherwise shall be fined and punished as the law may direct.

Sec. 22. Be it further enacted, That the Post-Masters shall respectively publish at the expiration of every three months or oftener where the Post-Master-General shall so direct, in one of the newspapers at or nearest the place of his residence for three successive weeks, a list of all the letters remaining in their respective offices, or instead thereof, shall make out a number of such lists, and cause them to be posted up at no less than five of the most public places in that vicinity, as shall appear to them best adapted for the information of the parties concerned, and at the expiration of the next three months, shall send such of the letters as there remain on hand as dead letters to the General-Post-Office, where the same shall be opened and inspected, and if any valuable papers, or matters of consequence shall be found therein, it shall be the duty of the Post-Master-General, through his deputies to return them, or if after a descriptive list thereof has been published in one of the newspapers published at the place most convenient to the supposed residence of the owner, if within Texas; the person or persons to whom such letter or letters may have been directed, and intended, shall make application therefor, it shall be the duty of the Post-Master-General, or any of his deputies upon being satisfied that the applicant is the proper owner to deliver them to such person or persons, upon the postage and expense of publication being paid, and in either case, to require from persons receiving letters to receipt to the Post-Master-General therefor, specifying in such receipt that it is for such letter or letters as may have been advertised and described, and if neither the writer nor the individual to whom the letter is addressed, shall not make demand in their own proper person, or lawful agent, within two years after the advertisement thereof as aforesaid, the said contents shall be applied to the use of Texas, until the same shall be reclaimed by the proprietor thereof, and the manner of such application to be specially stated by the Post-Master-General, to the Executive office.

Sec. 23. Be it further enacted, That all letters and packages not exceeding three pounds in weight, and newspapers conveyed in the mail, shall be under cover; if any person employed in any department of the General Post Office, shall improperly detain, delay, hinder, embezzle, or destroy any newspaper, or permit any other person to do the same, or shall open, or permit

any other person to open any mail, or packet of newspapers not directed to the office where he is employed, he shall, on conviction thereof, forfeit a sum not exceeding one hundred dollars, for every such offence; and if any other person shall open any mail, or packet of newspapers, or shall embezzle or destroy the same, not being directed to himself, or not being authorized to receive and open the same, he shall, on conviction thereof, pay a sum not exceeding fifty dollars, for every such offence; and if any person shall take or steal any packet, mail, or bag of newspapers out of any post office, or of any person having custody thereof, such person, upon conviction, shall be imprisoned not exceeding three months, for every such offence; if any person shall enclose, or conceal, a letter, or other things, or any memorandum in writing in a newspaper, or among any package of newspapers, which he shall have delivered into any post office, or to any person for that purpose, in order that the same may be carried by post, free of letter postage, he shall forfeit the sum of twenty-five dollars, for every such offence, and the letter, newspaper, packet, memorandum or other thing, shall not be delivered to the person to whom it is directed, until the amount of double letter postage is paid for each article of which the packet is composed.

Sec. 24. Be it further enacted, That the Post-Master-General be authorized to allow the Post-Masters respectively, such commission on the monies arising upon the postage of letters as shall be adequate to their respective services: Provided, said commission shall not exceed twenty-five per centum on the first hundred dollars, twenty per centum on any sum over one hundred dollars, and not exceeding three hundred dollars, and ten per centum on any sum over four hundred dollars, and not exceeding two thousand dollars, and five per centum on any sum collected, being over twenty-four hundred dollars, except to Post-Masters who may be employed in receiving and despatching foreign mails, whose compensation may be augmented not exceeding twenty-five dollars for one quarter: the Post-Master-General may allow to the Post-Masters respectively, a commission of fifty per centum on the money arising from the postage of newspapers, magazines and pamphlets; and each Post-Master who shall be required to keep a register of the arrival and departure of the mails, shall be allowed two dollars for each monthly return thereof to the General Post Office.

Sec. 25. Be it further enacted, That if any Post-Master, or other person authorized to receive the postage of letters, shall neglect or refuse to render his accounts, and pay over to the Post-Master-General the balance by him due at the end of the

three months, it shall be the duty of the Post-Master-General to cause a suit to be commenced against the person so neglecting or refusing; and if the Post-Master-General shall not cause such suit to be commenced within six months from the end of every such three months, the balance due from every such delinquent, shall be charged to and be recoverable from the Post-Master-General; that all suits which shall hereafter be commenced for the recovery of debts, or balances due the General-Post-Office, whether they appear by hand or obligation, shall be made in the name of the existing, or other preceding Post-Master-General, or otherwise, shall be charged in the name of the Post-Master-General of Texas, and that certified under the seal of the General-Post-Office, of the accounts current of the several Post-Masters shall be admitted in all suits brought by the Post-Master-General for the recovery of debts, or balances due from Post-Masters or other persons, in like manner, copies of such bonds, or accounts current as are lodged in the department of State, under the seal of the General-Post-Office Department, shall be admitted as evidence.

Sec. 26. Be it further enacted, That all letters and packets to and from the following officers of this Republic, shall be received and conveyed by post, free of postage: each Post-Master; Provided, the package does not exceed one ounce in weight; the President and his cabinet officers; the Vice-President, and the members of both branches of Congress of this Republic, during the session of congress, and thirty days thereafter, and the Secretary and other officers of congress during the time of their actual services; the Treasurer, and Post-Master-General; all officers of the army and navy, collectors and officers of the revenue, when communicating on subjects connected with public service, all of whom shall receive their newspapers by the public post, free of postage; Provided, That no letter or packet, from any public officer shall be conveyed by post, free of postage, unless he shall frank the same, by writing his name and office on the outside of such letter, or packet, as in case of officers of the army, navy, and collectors, and officers of revenue on public service.

Sec. 27. Be it further enacted, That if any person shall frank letters other than those written by himself, or by his order, he shall, on conviction thereof, pay a fine of fifty dollars; and if any person shall counterfeit the frank, or hand writing, or cause the same to be done in order to avoid the payment of postage, each person so offending, shall, for every such offence, pay a fine of one hundred dollars: Provided, That every printer of a newspaper may send one paper to each and every other printer of a

newspaper in Texas, and send and receive out of Texas any number of newspapers not exceeding thirty, free of postage, under such regulations as the Post-Master-General may provide.

Sec. 28. Be it further enacted, That if any Post-Master, or other person, who shall receive, open, or despatch mails, shall neglect to render accounts thereof for one month after the time, in manner and form provided by law, and by the Post-Master-General's instructions, he shall forfeit and pay double the value of the postages which shall have arisen at the same office in equal proportion of time, previous or subsequent thereto, or in case no amount or account shall have been rendered at the time of trial of such case, then such sum as the court and jury shall estimate as equivalent thereto, to be sued for and recovered by the Post-Master-General in an action on the case.

Sec. 29. Be it further enacted, That all pecuniary penalties and forfeitures incurred under this act, not otherwise provided for, shall be for the use of the Republic of Texas.

Sec. 30. Be it further enacted, That it shall be lawful for the Post-Master-General to make provision when it may be necessary for the receipt of letters, and packets intended to be conveyed by any ship, or vessel beyond sea, or from any port in Texas to another port therein, and the letters so received shall be formed into a mail or packet, sealed up and directed to the Post-Master of the port to which such ship or vessel shall be bound, and for every letter or frank so received, there shall be paid at the time of its reception, a postage of six and a-quarter cents each, which shall be for the use of the Post-Masters respectively, receiving the same, and the Post-Master-General may make arrangements with the Post-Masters in any foreign country, for a reciprocal delivery of letters, newspapers, packets, and pamphlets through the Post Office Department in any manner he may deem expedient and necessary.

Sec. 31. Be it further enacted, That for every letter lodged at any Post Office not to be carried by post, but to be delivered at the place where it is lodged, the Post-Master shall receive six and a-quarter cents from the person to whom it may be delivered.

Sec. 32. Be it further enacted, That the Post-Masters and persons employed in the transportation of the mail, shall be exempt from militia duty, serving as jurors, or working on public highways.

Sec. 33. Be it further enacted, That all causes of action arising under this act may be sued for, and all offenders be presented before the proper judicial officers of this Republic, they having competent jurisdiction by the laws of this Republic of the

trial of claims and demands of as great value, and crimes of as great an extent, and such judicial officers shall take cognizance thereof, and proceed to judgment, and award execution as in other cases.

Sec. 34. Be it further enacted, That in all suits, or causes of action arising under this act, the courts shall proceed to trial and render judgment at the first term after such suit shall have commenced; Provided always, That whenever process shall not have been commenced at least ten days previous to the return day of such term, the defendant shall be entitled to one continuance, if the court on the statement of such defendant, may in such case deem it expedient; Provided also, That defendant in such suit shall make affidavit that he has a claim against the General Post Office, not allowed by the Post-Master-General, although submitted to him, conformably to the requisitions of the Post-Office Department, and shall specify such claims in his affidavit, that he could not be prepared for the trial at such term for the want of evidence, the court being satisfied in those respects, may grant a continuance until the next succeeding term.

Sec. 35. Be it further enacted, That it shall be the duty of the Post-Master-General to report annually of every post-road and office which shall not from the second year have produced one third of the amount of its expenditures.

Sec. 36. Be it further enacted, That mail routes which have been established between _____ and _____, Jasper and Belgrade, and all others not herein provided for, be and the same are hereby discontinued, and that the following and none other shall be considered public routes on which the Texas mails are to be transported in the present year, one thousand eight hundred and forty, viz.

No. 1. From Houston to Galveston, via Harrisburg, Lynchburg, Spilman's Island, and New Washington.

No. 2. From Houston to Cincinnati, via Spring Creek, Mount Vernon and Huntsville.

No. 3. From Cincinnati to Nacogdoches, via Neches, Mustang Prairie, Crockett and Mount Sterling.

No. 4. From Nacogdoches to McClannahan's Post Office, Louisiana, via San Augustine, Milam, Gaines' Ferry and Sabine Town.

No. 5. From Nacogdoches to Apperson's Ferry.

No. 6. From Apperson's Ferry to Jonesboro', via Myrtle Springs, Dekalb and Clarksville.

No. 7. From Jonesboro' to seat of justice Fannin County, via Franklin, Johnson, Raleigh and Lexington, Fannin County.

..No. 8. From seat of justice Fanin County to Coffee's Station, via Warren.

No. 9. From Clarksville to seat of justice Fannin County, via Lexington, in Red River County, Shelton's and Englishe's.

No. 10. From San Augustine to Post Caddo, via Shelbyville, Shelton's and Elysian Fields.

No. 11. From Houston to Swartwout, (Trinity River.)

No. 12. From Liberty to Lyons' Post Office, Louisiana, via Pine Island, Pattillo's, Richland, Jefferson and Beaumont.

No. 13. From Jefferson to Hamilton (Sabine River,) via Jasper, Zavala, San Augustine and Shelbyville.

No. 14. From Jasper to Salem.

No. 15. From Houston to Egypt, via Hodges' and Richmond.

No. 16. From Egypt to Goliad, via Texana, and Victoria.

No. 17. From Matagorda to Egypt, via Preston's and Peach Creek.

No. 18. From Egypt to La Grange, via Columbus.

No. 19. From Velasco to San Felipe, via Crosby's, Brazoria, Marion, Orozimbo and Big Creek.

No. 20. From San Felipe to La Grange, via Dr. Punchard's, Centre Hill, Ceder Creek, Washington, Independence, Gay Hill, Oak Grove and Rutersville.

No. 21. From Independence to Franklin, via Mound Prairie, Fort Oldham, Tenoxtitlan and Nashville.

No. 22. From Montgomery to Washington, via Rusk and Fanthorp's.

No. 23. From Brazoria to Matagorda, via Williams' at Caney Crossing.

No. 24. From Huntsville to Swartwout, via Carolina.

No. 25. From Houston to Washington, via Myrtle Turf and Groce's Retreat.

No. 26. From Crockett to Fort Houston, via Bennett's Post Office and San Pacero.

No. 27. From Victoria to Live Oak Point, via Lamar.

No. 28. From Quintana to Galveston, via San Louis.

No. 29. From City Sabine to Beaumont.

No. 30. From Austin to Crockett, via Nashville, Franklin, Dunn's Post Office, Tinnen's, Robins' Ferry (Trinity River,) and Mustang Prairie.

No. 31. From Austin to San Antonio, via Gonzales, and Seguin.

No. 32. From Gonzales to Victoria.

No. 33. From Austin to Houston, via Comanche, Bastrop, Primm's, La Grange and San Felipe.

No. 34. From Texana to La Grange, via Stapp's, Zumalts', Chadoins' and Lyons'.

No. 35. From Quintana to Texana, via Matagorda.

No. 36. From Swartwout to Jasper, via Barclay's: and that the Post-Master-General cause a mail to be carried on such of the above routes as are not at this time under contract, and the Post-Master-General shall regulate and determine as to the roads on which the said mails shall be carried, how often, and all other arrangements relating thereto, as he may think proper.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, 6th February, 1840.

MIRABEAU B. LAMAR.

AN ACT

To regulate the proceedings in Civil Suits.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the adoption of the common law shall not be construed to adopt the common law system of pleading, but the proceedings in all civil suits shall, as heretofore, be conducted by petition and answer; but neither petition nor answer shall be necessary in a cause to recover money before a justice of the peace.

Sec. 2. Be it further enacted, That when a sheriff, or any other officer legally authorised, may have a writ and petition, subpoena, notice or other process whatsoever to be served on any person, and such process shall not require the body of such person to be taken into custody for safe keeping, and the person on whom the process may be required to be served, be not found at his or her residence, it shall be lawful for the officer to serve such process by leaving a copy thereof at the residence of such person, with some white member of his or her family above the age of fourteen years.

Sec. 3. If the defendant do not appear either in person or by attorney, on the second day of the term, and file his answer, the plaintiff may take a judgment by default against him.

Sec. 4. If three days after this first judgment has been rendered, the defendant neither appears nor files his answer, a

definitive judgment will then be given for the plaintiff, provided he prove his demand as in all other cases.

Sec. 5. If the defendant on the very day when a definitive judgment was to have been recorded against him appear and file his answer, the first judgment taken shall be set aside

Sec. 6. When the demand is liquidated and proven by writing, judgment by default final may be taken at the first term of the court, if actual notice of the suit has been given to the defendant.

Sec. 7. If the demand is unliquidated, and personal notice has been given, judgment by default may be taken at the first term of the court, and a jury shall be immediately empanelled to assess the damage to the plaintiff.

Sec. 8. If personal notice has not been given, a judgment by default shall not be taken before the second term of the court in which the suit is brought.

Sec. 9. No plea in abatement shall be admitted or received unless the party offering the same shall prove the truth thereof, by oath or affirmation, as the case may require.

Sec. 10. The defendant, in all actions may plead as many several matters, whether of law or of facts, as he shall think necessary for his defence.

Sec. 11. An execution, writ or other process appearing to be duly served in other respects, shall be deemed good, although it be not directed to any sheriff.

Sec. 12. In every civil suit in which sufficient matter of substance may appear upon the petition, to enable the court to proceed upon the merits of the cause, the suit shall not abate for want of form; the court shall, in the first instance, endeavor to try each cause by the rules and principles of law; should the cause more properly belong to equity jurisdiction, the court shall, without delay, proceed to try the same according to the principles of equity. The pleadings of every cause in the district, or in any inferior court, shall be amended under the direction of the court, but no amendment shall prevent a cause from being tried at the same term at which it may be made, unless the court shall be satisfied that such an amendment will operate as a surprise to the opposing party. If the cause be in the supreme court, the court shall decide the same as if there had been no defect of form, provided the record shall present sufficient matter of substance to enable the court to decide the cause upon its merits, provided that nothing herein contained shall be so construed as to prejudice the right of the parties to a trial by jury.

Sec. 13. By the exception of non-tenure of parcel of any

lands or tenements, for which any action or suit may be brought, the writ shall not be abated, but for the quantity of the non-tenure, which shall be alledged.

Sec. 14. When there are several counts, one of which is faulty, and entire damages are given, the verdict shall be good, but the defendant may apply to the court to instruct the jury to disregard the faulty count.

Sec. 15. After issue joined in an ejectment on the title only, no exception of form or substance shall be taken to the petition in any court whatsoever.

Sec. 16. No judgment after the verdict of twelve men shall be stayed or reversed for any defect of form.

Sec. 17. Where in the record of any judgment or decree of any district court there shall be any mistake, miscalculation or misrecital of any sum or sums of money, or of any name or names, and there shall be among the records of the proceedings in the suit in which such judgment or decree shall be rendered, any verdict, bond, bill, note or other writing of the like nature or kind, whereby such judgment or decree may be safely amended, it shall be the duty of the court in which such judgment shall be rendered, and the judge thereof in vacation, to amend such judgment or decree thereby, according to the very truth and justice of the case. Provided, That the opposite party, his agent or attorney in fact or at law, shall have had reasonable notice of the application for such amendment, and if the transcript of such judgment, or decree at the time of such amendment, or at any time thereafter shall be removed to the supreme court, it shall be the duty of that court upon inspection of such amended record to be brought before it by certiorari, if need be affirm such judgment, if there be no other error apparent on such record.

Sec. 18. Where any bond taken by virtue of any distress for rent or execution by miscalculation or mistake, shall be conditioned for a larger sum of money than by law ought to have been required thereby, or where a verdict shall be rendered for more damages than the plaintiff shall have demanded by his suit, and judgment shall be rendered accordingly, and the court in which said judgment shall be rendered, shall have adjourned to another term, without release of such excess having been made, it shall be lawful for the plaintiff, at any time before the record of such judgment shall be removed in an appellate court at any future term of the court in which judgment shall be rendered, to release in open court any such excess; or he may in vacation release the same by deed under his hand and seal, witnessed by the clerk or deputy clerk of such court, and filed of record among

the papers of the cause, and such release, made in either of the forms aforesaid, shall cure any error of such excess.

Sec. 19. If the record of any such judgment shall be removed in an appellate court before such a release shall be made, it shall be competent for the defendant in error to make such release as aforesaid in the appellate court, and thereupon the said court after reversing the judgment, shall proceed to give such judgment as the court below ought to have given, if the release had been filed therein.

Sec. 20. If any action be brought on a bond or other writing filed in any suit brought thereupon in any other court of this Republic, it shall be sufficient for the plaintiff to file with his petition, a copy of such bond or other writing, attested by the clerk of the court in which the original may be filed, and the defendant or defendants shall be obliged to plead thereto in like manner as if the original bond or writing was filed, and such copy shall be admitted as evidence on the trial; If however, the defendant or defendants shall plead and file an affidavit under oath, that the original bond or writing is not his, her or their deed, the clerk of the court having such original papers in his custody, shall on being summoned as a witness, attend with the same on trial of the issue, for the inspection of the jury.

Sec. 21. In controversies affecting lands, tenements or hereditaments, possession of part shall not be construed as possession of the whole, when any actual or adverse possession can be proved.

Sec. 22. Interpreters may be sworn truly to interpret when necessary.

Sec. 23. Papers read in evidence, though not under seal, may be carried from the bar by the jury.

Sec. 24. Every person desirous of suffering a non-suit on trial shall be barred therefrom, unless he do so before the jury retire from the bar.

Sec. 25. New trials may hereafter be granted, as well when the damages are manifestly too small as when they are excessive.

Sec. 26. Not more than two new trials shall be granted to the same party in the same case.

Sec. 27. All vouchers, views, (?) essions, and also trials by wager of battle, and wager by law, be and are hereby taken away and repealed.

Sec. 28. In all actions of assault and battery and slander, commenced and prosecuted in the district court, if the jury find under the sum of twenty dollars, the plaintiff in such case shall not recover any costs.

Sec. 29. On all motions, the court may give or refuse costs, at their discretion, unless where it is otherwise provided by law.

Sec. 30. In all cases of law, except motions where judgment shall be given for the defendant or appellee, he shall recover his costs against the plaintiff or appellant, and have execution for the same, and in all such cases where judgment shall be given for the plaintiff or appellant, if not otherwise provided by law, he shall recover his costs against the defendant or appellee and have execution for the same.

Sec. 31. When any plea in abatement shall upon argument in any court of law, be adjudged insufficient, the plaintiff shall recover full costs to the time of overruling the plea, and when by any interlocutory judgment or any other part of the pleadings, shall be judged insufficient, all costs occasioned by such insufficient pleading, shall be adjudged against him who committed the fault.

Sec. 32. A fee of one dollar for each legal notice proved to have been delivered in any cause, whether at law or equity, shall be taxed in the bill of costs.

Sec. 33. All taxes imposed on law proceedings, shall be included in the bill of costs.

Sec. 34. The law of costs shall not be interpreted as penal laws.

Sec. 35. When any party may be dissatisfied with the decision of a cause in any inferior court of this Republic, and may desire to appeal therefrom, such party shall have twenty days after the term of the court at which such cause was tried, to file the appeal bond required by law.

Sec. 36. In case the party be unable to give the appeal bond required, such party may nevertheless appeal by giving security for no more than the costs and damages of the appeal; but in that case the judgment of the court below, shall operate as a lien upon all the property of the appellant, and the sheriff shall take possession of his personal property, and keep possession of the same, or so much thereof as will be sufficient to satisfy the judgment of the appellate court, during the proceeding of the appeal, unless the appellate should execute a bond made payable to the appellee, with at least one good and sufficient security (whose solvency is to be judged by the sheriff.) conditioned that such personal property shall be forthcoming to be sold in satisfaction, or part satisfaction of the judgment that may be rendered by the appellate court.

Sec. 37. The appellant at the hearing of the cause in the court of appeals, shall furnish to each of the judges who may sit

to hear the same, a true copy of the report of the facts agreed on or certified by the judge of the court below, and the facts shall be agreed on by the adverse parties or their attorneys or certified by the judge before the rising of the court below.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

Concerning Executions.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the rising of every court it shall be the duty of the clerk thereof to tax the costs of suit in every case incurred by the successful party, and for which judgment shall be rendered, and issue execution, and endorsing on each execution issued, the several items contained in the bill of costs, in intelligible words and figures.

Sec. 2. Be it further enacted, That it shall be the duty of the clerks of the several courts of this Republic to keep an execution docket, in which shall be entered the names of cases, the time at which execution issued, the amount therefor, to whom and when delivered, and the returns which may be made thereon by the sheriff, or such officer as may receive the execution, which said docket shall be subject to the inspection of any person interested at any time when required, and any clerk who shall fail to keep such a docket, or shall neglect to make the entries, shall be liable to a fine of one hundred dollars, to be recovered by the party complaining by motion before the court, five days previous notice being given thereof.

Sec. 3. Be it further enacted, That should the defendant in any judgment of the court be about to leave the county in which judgment may be rendered, and before rising of the court, the court shall order execution to be immediately issued, upon an affidavit being made and filed with the court of that fact.

Sec. 4. Be it further enacted, That all Executions shall be made returnable at the next term of the court and the defend-

ant or his agent in all cases shall have the right to designate the property, and if the defendant shall fail or refuse to designate the same, then the levy shall be made in the following manner: First on personal or moveable property, then on uncultivated lands, then on slaves, and lastly on the improved lands or home-stead of the defendant, provided that in no case shall the execution be sent out of the county where judgment is obtained, unless there is not sufficient property within the limits of the same to satisfy the amount of the judgment, interest and costs.

Sec. 5. Be it further enacted, That whenever any property shall have been seized by virtue of an execution, it shall be the duty of the sheriff or other officer to advertise the same, if it be personal property, at least ten days, by advertising the same at three public places in the county, one of which shall be the place where the property is sold, if it be slaves or lands, twenty days, by publication in some newspaper, if there be any published in the county, and also by advertisements posted up, one at the court house of the county, provided that all sales of lands and negroes shall be made at the court house door of the county in which the sales take place, on the first Tuesday, or the following day of the month, between the hours of ten o'clock A. M., and sundown; and provided further, that all other property may be sold on the premises where it is seized in execution.

Sec. 6. Be it further enacted, That if on the sale of the property, more money is received than is sufficient to pay the amount of the execution, or executions in the hands of the sheriff or other officer, the surplus shall be immediately paid over to the defendant, his agent or attorney.

Sec. 7. Be it further enacted. That whenever an execution is levied upon property, the defendant shall have the right to retain the possession of the same, upon giving bond with good security, payable to the plaintiff in double the amount of debts and costs, conditioned for the delivery of the property to the plaintiff on the day of sale.

Sec. 8. Be it further enacted, That if the defendant shall fail to deliver the property so bonded, it shall be the duty of the sheriff to return the bonds to the clerk of the court. from which execution issued as aforesaid; whereupon said clerk shall issue execution against the principal and sureties on the bond for the amount of the debt and costs, upon which said execution, no delivery bond shall be taken; which fact shall be endorsed by the clerk on the execution.

Sec. 9. Be it further enacted, That it shall be the duty of the sheriff to endorse on the execution the day on which it came

into his hands, and if he received more than one on the same day and against the same person, he shall number them as received, and on failure he shall be liable to pay twenty per cent. on the amount of the execution, together with such damages as the plaintiff in execution may sustain by such failure to number; to be recovered by the plaintiff from him and his sureties, by giving five days notice that a motion will be made to this purpose at the next term of the court from which the execution issued.

Sec. 10. Be it further enacted, That should any sheriff, or other officer, fail or refuse to pay money collected under an execution, when demanded by the person entitled to receive the same, he shall be liable to pay ten per cent. per month on the amount so collected, besides interest and costs which may be recovered of him and his sureties, by motion before the court from which said execution issued; five days previous notice being given.

Sec. 11. Be it further enacted, That it shall be the duty of the sheriff to keep securely all property levied on by him for which no delivery bond has been given, and if any loss should result to any party interested by his negligence, he shall be liable to pay the value of the property so lost, and ten per cent. damages thereon, to be recovered by the party injured, before any court of competent jurisdiction; five days previous notice thereof being given.

Sec. 12. Be it further enacted, That whenever final judgment shall be rendered by the supreme, district or county courts of this Republic it shall operate as a lien on all the property of the defendant, situated and being in the same county where judgment is rendered, from the day of the date of the judgment, provided that said lien shall cease to operate, if execution be not issued out within twelve months from the date thereof, and due diligence be not used to collect the same.

Sec. 13. Be it further enacted, That when judgment shall be obtained before the supreme, district, county or justices court of this Republic, for any debt or damages, and the person against whom such judgment shall be obtained shall not have sufficient property within the county where the judgment shall be rendered to satisfy the execution of the plaintiff, it shall be lawful to issue execution, directed to the sheriff or other legal officers of any county in this Republic where the defendant may have property, which said sheriff or other officer to whom said execution may be directed, is hereby empowered and required to serve and execute the same, and shall make return thereof to the court where the judgment was rendered.

Sec. 14. Be it further enacted, That, whenever a judgment shall have been rendered by any court of this Republic, if the plaintiff, his agent or attorney shall make affidavit before the court or the clerk thereof in which judgment was obtained, that the defendant or defendants hath or have no property within the knowledge of such affiant, in his or their possession, and that such affiant has just reason to believe that another person or persons is or are indebted to said defendant or defendants, or hath or have effects of such defendant or defendants in his or her hands, it shall be lawful for the court or the clerk to cause the person or persons supposed to be indebted to, or supposed to have any effects of said defendant or defendants to appear at the next term of such court as garnishee or garnishees, and said court shall examine and proceed against said garnishee or garnishees in the same manner as prescribed by law against garnishees in original attachments.

Sec. 15. Be it further enacted, That when the day of sale shall have arrived, it shall be the duty of the clerk of the district court, or in his absence, the Chief Justice of the county court, or in his absence the clerk of the county court, or in his absence, some justice of the peace, at the request of the sheriff, coroner or constable, to appoint three discreet, disinterested men, citizens and freeholders of the county, to appraise the property levied on by virtue and authority of an execution, which appraisers shall be sworn by the sheriff, coroner or constable, or by any officer authorised to administer an oath, and shall assess the value of the property taken under execution at its fair cash price, which assessment shall be reduced to writing, signed by the appraisers or a majority of them, and be returned with the execution.

Sec. 16. Be it further enacted, That the property levied on shall then be offered for sale for cash, to the highest bidder, and if the property be improved lands or slaves, it must bring two thirds of the appraised value or no sale shall be made for cash, but any other species of property may be sold if the highest bid amounts to one-half the appraisement.

Sec. 17. Be it further enacted, That if the highest bid does not amount to two-thirds of the appraised value in cash, the sheriff, coroner or other officer shall then advertise the same again for the ensuing sale day, if practicable, and that the same shall be sold to the highest bidder for what it may bring, on a credit of twelve months, bearing the same rate of interest as that recovered on the judgment, and the purchaser shall be required to give bond with two good securities for the payment of the purchase money; which bond shall be returned with the execution to the

court from which the same issued; shall be a mortgage on the property purchased, and shall have the force and effect of a judgment, upon which execution may issue without any other formality against the principal and securities to the same, if the same be not punctually paid, and by virtue of this execution the property first sold, or any other property belonging to the principal and sureties may be seized and sold for cash without any appraisal, and upon this execution the clerk shall endorse that no delivery bond or security whatever shall be taken.

Sec. 18. Be it further enacted, That if any person shall bid off property at any sale made by virtue of an execution, and shall fail to comply with the terms of the same, he shall be liable to pay to the plaintiff or plaintiffs in execution, twenty per cent on the value of the property thus bid off, besides costs to be recovered before the court whence the execution issued by motion, five days previous notice being given to him or her that such motion will be made, and should the property on a second sale bring less than on the former, he shall be liable to pay to the defendant in execution, all loss which he sustains thereby, to be recovered as above in this section.

Sec. 19. Be it further enacted, That when the terms of the sale shall not be complied with by the bidder, the sheriff shall proceed to sell the property again on the same day, if there be sufficient time, but if not, he shall readvertise the same for the next succeeding regular day of sale.

Sec. 20. Be it further enacted, That when the property is sold on a credit of twelve months, if the proceeds is more than sufficient to pay the execution, interests and costs, the purchaser shall also execute a bond as provided in the section of this act, payable to the defendant in execution, for the excess on which the same summary remedy may be had as is provided in favor of plaintiff in execution, and the property may be seized and sold in like manner.

Sec. 21. Be it further enacted, That when a sale has been made and the terms complied with by payment of the price on executing the contemplated bond, the sheriff, coroner or constable shall make and deliver to the purchaser a conveyance of all the right, title, interest or claim which the defendant in execution had in and to the property sold.

Sec. 22. Be it further enacted, That justices of the peace shall have power, and they are hereby authorised to issue executions against lands and tenements as well as goods and chattels, and when such execution shall be levied upon lands and tene-

ments, the same proceedings shall be had thereon as provided for executions in the hands of sheriffs by this act; but when levied upon goods and chattels, the same proceedings shall be had thereon as now required by law, adhering nevertheless to the mode of advertising prescribed in this act.

Sec. 23. Be it further enacted, That "Executions" (executors?) administrators and guardians shall observe and be governed, so far as it relates to the mode of advertising their sales, by the provisions of this act, and executors, administrators and guardians shall have the benefit of this law against persons who bid off property and do not comply with the terms of sale.

Sec. 24. Be it further enacted, That all laws and parts of laws heretofore passed on the subject of executions be and the same are hereby repealed.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

Requiring retailers of Spiritous Liquors to pay License Tax.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That any person wishing to keep a tavern or house of entertainment, in which spiritous liquors be used and disposed of in quantities less than one quart, shall apply to the Chief Justice of the county in which he or she resides, requesting a license therefor for one year; and if such Chief Justice, upon due investigation, be satisfied that he or she so applying, are of sufficient probity, and not addicted to any gross immorality, he may order the license to be issued to the applicant; or if the applicant present to the Chief Justice the certificate of three known and respectable citizens, (if the applicant be unknown by said Chief Justice, he may order the license; Provided, in each case the applicant enters into bond, with security to be approved by the Chief Justice, of the following tenor, to wit: Know all men by these presents, that we, A. B., C. D. and E. F., are held and firmly bound unto the President of the Republic of Texas, in the sum of two thousand five hundred dollars, to be paid to the said President or his

successors, for which payment, well and truly to be made, we jointly and severally bind and oblige ourselves, our heirs, executors, administrators and assigns, firmly by these presents. Signed and sealed with our seals this day of . The condition of the above obligation is such that whereas the above bounden A. B., hath obtained a license to keep a tavern or house of entertainment at . If therefore, the said A. B., doth constantly keep a respectable and orderly house, and doth prohibit and prevent gaming, quarrelling and other misconduct, within the premises of said tavern or house of entertainment, during and for the term of one year from the day of then this obligation to be void, otherwise to remain in full force; and in case of a breach of, or non-compliance with the condition, or other forfeiture of said bond, it shall be lawful for any person, in the name of the President, to sue for and recover the penalty of said bond, and apply one half thereof to his or her own use, and the other half to the use of the county where the case of action may arise.

Sec. 2. Be it further enacted, That every person receiving a license to sell by retail, wine, rum, brandy, whiskey, gin, cordials, or other description of spiritous or vinous liquors, in smaller quantities than one quart, shall previous to receiving the same, pay to the Clerk of the county in which he, she or they may reside, for the use of the Republic, two hundred and fifty dollars, for such license, besides a further sum of five dollars to the clerk for his fees; and any person or persons, from and after the first day of June next ensuing, who shall keep a tavern, ordinary, tipling house, or other description of establishment for entertainment or for the sale of spiritous liquors by retail, and shall sell deliver or otherwise dispose of wine, rum, brandy, whiskey, cordials, or any other description of spiritous liquors in smaller quantities than one quart; without having first obtained a license therefor, as aforesaid, such person or persons shall be liable to an indictment for keeping a tipling house, and for a contravention of this act; and upon conviction thereof in the District Court, shall be fined one thousand dollars and imprisoned for not less than three months, at the discretion of the court; Provided, That this act shall not be so construed as to extend to those who may sell wine by the bottle, when it is purchased and removed from the place of sale, and not drank upon the premises.

Sec. 3. Be it further enacted, That any person licensed under this act, to retail spiritous liquors, who shall employ, permit or suffer any other person or persons in any other house, shed or tent. belonging to or hired, used or occupied by such licensed

person to sell, retail or otherwise dispose of any description of spiritous or vinous liquors, with a view to contravene the spirit and intent of this act under the privileges of such licensed person, shall upon conviction thereof in the District Court, suffer the same penalties as provided for in the foregoing section.

Sec. 4. Be it further enacted, That every person licensed to sell spiritous liquors by retail, under the provisions of this act, shall if the establishment kept, be a tippling shop or bar without entertainment, place over the door of such establishment a painted sign, with the following words painted thereon, full and legible, "Licensed to retail," and if the establishment be a tavern, hotel, or other house of entertainment, such sign shall be put up in the bar room of such tavern, hotel or house of entertainment, and every person offending against, or failing to comply with the provisions contained in this section, shall forfeit and pay a penalty of twenty-five dollars, recoverable before any Justice of the Peace; one-half of which sum for the use and benefit of the informer, and the other half for county purposes.

Sec. 5. Be it further enacted, That all monies collected from the sale of licenses provided under this act, and all penalties collected for contraventions, and collected by the District Courts, shall respectively be paid over to the Secretary of the Treasury, in the same manner as are the revenues and penalties paid and collected under other acts.

Sec. 6. Be it further enacted, That the provisions of this act shall not affect those who at this time have license for retailing, until such license has expired; and all laws now in force, imposing taxes for the use of the Republic, upon retailers of spiritous liquors, be and the same are hereby repealed.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

Defining the duties of the officers of the Treasury Department.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That there shall be until otherwise provided by law, in the De-

partment of the Treasury, the following officers, viz:—a Secretary of the Treasury, to be deemed the Head of the Department, two Auditors, one Comptroller, a Treasurer, a Commissioner of Revenue, and Stock-Commissioner.

Sec. 2. Be it further enacted, That it shall be the duty of the Secretary of the Treasury to furnish such instructions to the subordinate officers of the Treasury Department, as will insure a strict performance of the duties required of them, by law; to superintend, generally the collection of the revenue, and disbursement of the public money; to prepare and lay before Congress, at every session, a report on the subject of finance, containing a full and explicit statement of the receipts and expenditures of the preceding year, ending the 30th day of September, showing the amounts which have been collected from each of the several sources of revenue, and the expenses of collecting the same, together with the sums which have been paid and charged to the several appropriations; the balance of each appropriation unexpended, and the amount of money in the Treasury; to prepare and report estimates of the revenue, and expenditures of the ending year, and of the whole amount of money which will be subject to the disposition of the Government in the year to which the estimates apply; to digest and prepare plans for the support of the public credit, and for improving and increasing the revenue from time to time, as the policy of the country may require; to notify the Comptroller, Auditors, and Treasurer, of all appropriations of money made by law; to make report and give information to either branch of the legislature, respecting all matters referred to him by the Senate or House of Representatives, and generally to perform all such services as appertain to his office, or which he may be required to perform, by the President or Congress.

Sec. 3. Be it further enacted, That it shall be the duty of the Auditors to receive and examine all public accounts, not hereinafter required to be examined by the Commissioner of Revenue; to certify the balance, and transmit the accounts, with the vouchers, to the Comptroller, for his approval; to countersign and register all warrants drawn by the Comptroller on the Treasury, and all audited certificates issued, as hereinafter provided, on balances against the Republic, for the payment of which, no money is appropriated; to keep accounts with all disbursing officers, and others to whom money may be advanced, or who now are, or may hereafter become indebted to the Republic,—excepting such persons as are, herein required to render their accounts to the Commissioner of Revenue; to notify delinquents to pre-

sent their accounts for settlement, and report them quarterly to the Secretary of the Treasury, stating the particulars respecting their delinquency or indebtedness, and in the same manner, make an annual report to the Secretary of the Treasury, to be laid before Congress on the first Monday in December of every year, setting forth the length of time for which their respective accounts have been due and unsettled.

Sec. 4. Be it further enacted, That all persons receiving public money for disbursement, shall render their account to the proper Auditor for settlement, as required by the law enacted for their government, in this respect; and if there be no laws prescribing the period for making their returns, it shall not be longer than three months from the date of their receiving such money, unless a longer period shall be authorized by the Head of the Department for which the money is to be expended; and in no case shall it exceed six months.

Sec. 5. Be it further enacted, That no person, indebted to the Republic, shall be authorized or permitted to receive money from the Treasury until such indebtedness shall have been fully discharged; and the Auditors and Commissioners of Revenue, are hereby required to report all such debtors to the Comptroller.

Sec. 6. Be it further enacted, That the Auditors and Commissioner of Revenue are authorized to administer oaths or affirmations, to witnesses, in any case in which they may deem it necessary, in the examination of accounts submitted to them.

Sec. 7. Be it further enacted, That in case of a difference of opinion between the Comptroller and either of the auditors, or Commissioner of the Revenue, in regard to the settlement of any account, the same shall be referred to the Secretary of the Treasury, whose decision shall be final.

Sec. 8. Be it further enacted, That the First Auditor shall audit all accounts accruing in the Department of War, or relating to military expenditures.

Sec. 9. Be it further enacted, That the Second Auditor shall receive and examine all accounts for naval expenditures, and which may accrue in the Civil Department of Government.

Sec. 10. Be it further enacted, That it shall be the duty of the Comptroller, to examine all accounts slated by the auditors for settlement, and if found correct to certify his approval thereon; to draw warrants on the Treasurer for balances due individuals, on accounts so adjusted, for the payment of which, money is appropriated, and on requisitions from the Heads of Departments, as hereinafter provided, and to charge the same to the appropriations out of which they are to be paid; to report month-

ly to the Secretary of the Treasury, all warrants drawn in each appropriation and to notify the Treasurer when any appropriation is exhausted,—which monthly reports shall be certified to by the proper Auditors and Treasurer, as corresponding with the warrants registered and paid by them; and no warrants drawn in manner aforesaid, shall be redeemed otherwise than by payment at the Treasury.

Sec. 11. Be it further enacted, That all further disbursements for military and naval purposes shall be made through the legally appointed disbursing officers of those departments; and the Comptroller, before executing a warrant for monies to be thus expended, or for advances for civil expenditures, shall receive from the Head of the Department for which the warrant is to be drawn, a requisition, to be filed in his office, setting forth the particular item of expenditures, and the appropriation to which it is to be charged; and all warrants so drawn shall be placed to the debit of the individual authorized to receive the money, in the books of the proper Auditor.

Sec. 12. Be it further enacted, That upon the adjustment of any account where a balance shall be due by the Republic, for the payment of which no money is appropriated, it shall be the duty of the Comptroller to issue a certificate therefor, acknowledging the indebtedness of the Republic,—which certificate shall be countersigned and registered by the Auditor, and shall be redeemable in the same manner as audited drafts heretofore drawn on the Treasurer, which he is not authorized by law to pay.

Sec. 13. Be it further enacted, That the Comptroller shall examine and approve the accounts adjusted by the Commissioner of Revenue, before the same shall be entered on the books of that office.

Sec. 14. Be it further enacted, That it shall be the duty of the Treasurer to receive and keep the monies of the Republic of Texas, and disburse the same on warrants drawn by the Comptroller, and registered by the proper Auditor; all of which warrants shall specify, distinctly, the appropriation to which they shall be charged: he shall take receipts for all monies paid by him, and the receipts for all money received by him shall be endorsed upon warrants signed by the Secretary of the Treasury, and recorded in his office—without receipts so signed, no acknowledgment for money received in the Treasury shall be valid; he shall render his accounts quarterly to the Secretary of the Treasury for settlement, or oftener if required, and annually on the first day of November, present fair and accurate copies of all accounts so rendered and settled, to be laid before the Senate and

House of Representatives—and at all times, shall submit to the Secretary of the Treasury for inspection, his books and accounts and the money in the Treasury; and perform all duties consistent with law, that may be required of him, by the Head of the Department.

Sec. 15. Be it further enacted, That it shall be the duty of the Commissioner of Revenue, until (under) the direction of the Secretary of the Treasury, the collection of the revenue; to prescribe forms, and furnish blanks for the accounts and returns of the several revenue officers; to examine and record all such returns, and report the accounts stated for settlement, to the Comptroller; to keep accounts with all revenue officers, who by law, are required to report to the Treasury Department, and to transmit to each a copy of his account when settled, and deliver a duplicate thereof to the Secretary of the Treasury; to notify delinquents to render their accounts, or make payment, as the case may be; and to make quarterly and annually, such reports of those who fail to make due settlements, as is required of the Auditors, in regard to other delinquents; to receive land-dues and other species of revenue, which by law, is required to be paid into the Treasury Department directly, or to the Secretary of the Treasury, and deposit the same with the Treasurer; to report to the Commissioner-General of the Land Office, a register of the descriptions and quantities of all land-scrip sold by authority of the Government, and quarterly a list of all land upon which dues have been paid.

Sec. 16. Be it further enacted, That the Commissioner of Revenue shall record all contracts made by the Secretary of the Treasury, under authority of law, for the creation of Light-Houses, Custom-Houses, Ware-Houses, and for establishing buoys and beacons, and the employment of revenue cutters, in the service of the customs.

Sec. 17. Be it further enacted, That he shall annually, prepare a report to be, by the Secretary of the Treasury, transmitted to Congress on the first Monday of December, of each year; which report shall exhibit the quarterly gross and nett receipts from each collectoral district and county in the Republic, containing, also the value of the several kinds of property in each county, upon which a direct tax is issued, (assessed,) and the total amounts of assignments; (assessments;) also, the names, grade and number, of persons employed in collecting the revenue, and the compensation received by each.

Sec. 18. Be it further enacted, That he shall prepare statistical accounts of the commerce of the Republic with foreign

countries, showing the quantities and values of all goods, wares and merchandise, exported from Texas to other countries; all goods, wares and merchandise, imported into Texas from other countries; all navigation employed in foreign trade; and the exports shall be so stated, as to shew the export to each foreign country, distinguishing such as are the production and manufacture of Texas, from such as are the production and manufacture of foreign countries; and the imports shall be so stated, as to show the import from each foreign country.

Sec. 19. Be it further enacted, That the Commissioner of Revenue shall be appointed in the same manner as the auditors of public accounts, and shall receive the same compensation, and before entering upon the duties of his office shall take and subscribe the oath required of other heads of bureaus, and give bond in the sum of twenty thousand dollars, conditioned for the faithful performance of the duties of his office, to be approved by and deposited with the Secretary of the Treasury.

Sec. 20. Be it further enacted, That the said Commissioner of Revenue, and the other heads of bureaus of the Treasury Department, are empowered to employ such a number of clerks as in the opinion of the Secretary of the Treasury may be necessary for the performance of their respective duties, a list of which clerks shall be annually laid before the Senate and House of Representatives, shewing the salaries and duties of each.

Sec. 21. Be it further enacted, That the Stock Commissioner in addition to the duties required of him by the laws now in force, shall report to the Secretary at each semi-annual period of paying interest on the funded debt the number of shares due each individual and the amount of interest on each share, and he shall also register and cancel all Government liabilities hitherto funded and which may be hereafter funded in accordance with law.

Sec. 22. Be it further enacted, That the Stock Commissioner and Second Auditor shall take the usual oath of office, and enter into bond with good and sufficient security in the sum of twenty thousand dollars, conditioned for the faithful performance of the duties of their respective offices, which bonds shall be approved by the Secretary of the Treasury and deposited in his office.

Sec. 23. Be it further enacted, That the official acts of the Second Auditor and Comptroller since the passage of the law, approved December fifth, eighteen hundred and thirty-eight, legalizing their previous acts, be and the same are hereby declared valid.

Sec. 24. Be it further enacted, That from and after the passage of this act, the salary of the Second Auditor shall be twenty-five hundred dollars, the salary of the Stock Commissioner twenty-five hundred dollars, and the salary of the Comptroller twenty-five hundred dollars per annum, payable quarterly out of the Treasury of the Republic.

Sec. 25. Be it further enacted, That all laws and parts of laws inconsistent with the provisions of this act, be and the same are hereby repealed.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To Supress Gaming.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That if any person shall play at any tavern, inn, store-house—for retailing spiritous liquors,—or any other public house, or in any street or high-way, or in any other public place, or in any out house where people resort, at any game or games, with cards or dice, such person or persons, so playing, shall be deemed guilty of a misdemeanor, and on conviction thereof by indictment, be fined in a sum not less than fifty, nor exceeding five hundred dollars, and shall be imprisoned not less than one day, nor more than twelve months, at the discretion of the court.

Sec. 2. Be it further enacted, That on trial of any person or persons for the commission of the offence abovenamed, it shall be sufficient for the indictment to charge, that the person or persons offending did play at cards, or dice, as the case may be, in some of the places above specified, without stating what description of game, or without stating that money, or any other thing, was bet upon the event of said game; and upon making proof of the charge herein required, it shall be considered that the offence is made out, without proving what the game was, or is called, or without proving that any thing was bet upon the event of such game or games.

Sec. 3. Be it further enacted, That if any person or persons, shall be hereafter guilty of keeping or exhibiting any gaming table called A. B. C. or E. D., or Roulette, Rowley Powley or Rouge et Noir, or shall keep or exhibit, a Faro Bank, or shall keep or exhibit any other gaming table or bank, of the like kind, or of any other description, under any other name, or denomination, or without any name therefor; or shall be in any manner, interested or concerned in keeping, exhibiting, or carrying on any such table, bank or game, at any place whatsoever, each and every person so offending, shall be deemed guilty of a misdemeanor; and on conviction thereof, shall be fined one thousand dollars, and on failure to pay the same, shall be imprisoned, without bail for six months.

Sec. 4. Be it further enacted, That if any person, or persons, shall be concerned in betting at any of the gaming tables, bank or banks, in the last section of this act enumerated, such person or persons, upon conviction by indictment, shall be fined in any sum not exceeding fifty dollars, nor less than twenty dollars.

Sec. 5. Be it further enacted, That in all prosecutions for offences under the third section of this act, it shall be sufficient for the indictment to charge, that the person or persons indicted did keep and exhibit the gambling table, or bank, abovespecified, for gaming, without proving that any money was lost or won, or bet upon such gaming table or bank, and that the person charged, was interested and concerned in keeping, exhibiting and carrying on said table, game, or bank, without setting forth the manner in which the defendant was so interested, or concerned; or to charge that the defendant, or defendants, betting upon or concerned in betting upon such table, game, or bank, did bet upon such table, game or bank, describing the table, game, or bank, by the proper name, if known, or by describing it as a table, game or bank, the name of which is unknown; and the several District Attorneys in this Republic, and Grand Jurors, shall have power, under the direction of the court, to send for persons, and compel their attendance as witnesses, to give evidence of a violation of any of the foregoing provisions of this act; and such person, or persons, so made a witness, shall be exempt from liability for any violation of this act, of which he is so compelled to give evidence.

Sec. 6. Be it further enacted, That it shall be the duty of the several District Judges of this Republic, to give this act in charge to the Grand Jury of their several courts respectively.

Sec. 7. Be it further enacted, That this act shall take effect from and after the first day of March next.

Sec. 8. Be it further enacted, That if any person shall

permit any of the games inhibited by the first section of this act to be played in his or her house, or shall rent any room for such purpose, he or she, so offending, shall be fined, on conviction, not less than one hundred, or more than five hundred dollars, at the discretion of the court.

Sec. 9. Be it further enacted, That if any person shall permit any banking game, or such as are inhibited by the third section of this act, to be kept in his or her house; or shall rent a room for this purpose, he or she, shall suffer the same punishment as those convicted of keeping such banks.

Sec. 10. Be it further enacted, That if any person shall, in any way whatever, wager or bet upon the result of any election that may be held within this Republic, to fill any public office, such person so offending, shall be liable to be presented by the Grand Jury; and upon conviction thereof by a petit jury, shall be fined not less than one hundred, nor more than one thousand dollars; and in default of payment thereof, he shall be imprisoned not less than one, nor more than three months, in both cases at the discretion of the court.

Sec. 11. Be it further enacted, That all persons who may have violated the provisions of the laws now in force, for the suppression of gambling,—or who may violate the same before this act may take effect, shall be punished according to the law as it now exists.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

Providing for the Erection of Light Houses.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Galveston Company, and the several Town Companies of the several towns or cities on the sea coast, shall be authorized to erect Light Houses at the entrances of their respective ports or harbors, and to charge and receive, from all vessels which shall enter such ports or harbors, for each entrance therein, the follow-

ing sums, that is to say:—on all vessels from a foreign port, and not exceeding one hundred tons burthen, five dollars; on all vessels over one hundred and not exceeding two hundred tons burthen, ten dollars; and all vessels over two hundred tons burthen, fifteen dollars, in the promissory notes of Texas, gold or silver: Provided, That when the amount of light-money shall exceed twenty per cent. on the amount disbursed in building the Light House, after paying the expenses thereof, such excess shall belong, and be paid into the public Treasury:—Provided also, national vessels are exempt from paying light-money.

Sec. 2. Be it further enacted, That the said Light Houses shall be so constructed, that the beacon-light to be thereon kept shall be at an elevation of not less than fifty-two feet above ordinary low-water mark.

Sec. 13. Be it further enacted, That it shall be the duty of said companies as may avail themselves of the privilege of the 1st section of this act, to keep up a suitable beacon light on such Light Houses at all hours, and during all the time between sun-set and sun-rise; and for failing or omitting to do so, said company shall forfeit and pay to the collector of the customs for the port where such Light Houses may be situated, a fine not less than \$100 nor more than \$500, at the discretion of the court, for each and every offence.

Sec. 4. Be it further enacted, That it shall be the duty of the several collectors of customs at the ports whereon Light Houses may be erected, under the provisions of this act, to see that the beacon lights are, at all times, properly kept up, agreeably to the provisions of the 3rd section of this act; and in case of default, to report the same to the Secretary of the Treasury, and also to sue for before any court having cognizance of the same, for the forfeiture thereby occasioned, which together with the costs of suit, he shall recover and receive for the use of the Republic, from any member or members of the town companies who shall or may erect a Light House, under the provisions of said act.

Sec. 5. Be it further enacted, That it shall be competent for the Secretary of the Treasury, upon report being made to him by any company, that they have erected a Light House, agreeably to the provisions of this act, to direct and determine what kind of a light,—whether revolving, fixed, colored, or alternate, shall be kept on the same.

Sec. 6. Be it further enacted, That no company shall levy or receive light money, until they have erected and established the kind of light directed and determined upon by the Se-

cretary of the Treasury, and giving thirty days' notice thereof to the collector of the customs for the port where such Light House may be established.

Sec. 7. Be it further enacted, That after the expiration of three years from the passage of this act, Congress may have the power, at their discretion, to repeal or modify the provisions of the same; and nothing therein contained shall be considered to secure its privileges to any company for a longer period of time than that above mentioned, if Congress shall think fit to repeal or modify this act.

Sec. 8. Be it further enacted, That should any company, availing themselves of the privileges of this act, wish to discontinue a Light House and light, erected and established by them, they shall have the privilege of doing so, upon giving four months' notice thereof, to the collector of the customs for the port where such Light House is situated.

Sec. 9. Be it further enacted, That it shall be the duty of the collectors of customs for the several ports of the Republic, to give immediate public notice in at least two newspapers, published within the Republic; and to inform all our foreign Consuls, of the establishment or discontinuance of any light at the respective ports.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved 7th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

Regulating the duties of Probate Courts, and the settlement of Succession.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That when any person shall die intestate, the Executors named in any testament shall renounce the executorship, or refuse or neglect, for the space of thirty days after the death of the testator, to exhibit such testament for probate, then administration of the succession of such intestate or such testator, with the testament annexed, shall be granted—first to the surviving husband or sur-

living wife; then the next of kin of such intestate or testator, or to some of them: and, in case of their and each of their refusal, then to a principal creditor or creditors of such intestate or testator; and, if none of them will accept, then to such other proper person or persons as will accept the same.

Sec. 2. Be it further enacted, &c., Before issuing letters testamentary, or letters of administration, with the will annexed, such executor or executrix, with the will annexed, shall take, and the Judge shall administer the following oath, viz:—"You swear that the writing which has been offered for probate, is the last will of _____ as far as you know or believe, and that you will well and truly execute said will according to law, and the directions thereof, so far as the estate of the said _____ will extend; and that you will return a true inventory of all said estate, whether real or personal, of the deceased, so far as the same may come to your knowledge, a true account of sales, and your said administration, as required by law;" and before issuing any other letters of administration, such administrator or administratrix shall take, and the Judge shall administer the following oath:—"You swear that _____, deceased, died without any lawful will as far as you know or believe; and that you will well and truly administer all and singular the succession of the said deceased, and return a true inventory thereof, so far as the same may come to your knowledge; and a just account of sales, and of your administration, as required by law." But when letters testamentary, or of administration, shall be granted on any authenticated copy of a will; and in such other cases as, in the opinion of the Judge, may require a change in the form of the oath, the oath may be administered in such form as, in the opinion of the Judge, is suitable to the nature of the case; and when the testator fails to appoint an executor, or in case the executor appointed may refuse or fail to prove the will and qualify, or may die before he has fully executed the will, then the legatee under the will; and in case there be more legatees than one, then that legatee the court may deem best qualified, shall have right to letters of administration upon the estate of the testator, to the exclusion of every other person; but should all the legatees be minors, then the Court shall be governed in the appointment of an administrator, by the provisions of this act.

Sec. 3. Be it further enacted, &c., When application is made for probate of a will, or for letters of administration, ten days notice of such application shall be given, by order of the Judge of Probate, by advertisement posted on the door of the court-house, and in two other public places in the county, before

the said probate is made, or letters of administration granted; and the said will may be admitted to probate on the deposition of a single witness—the said deposition shall be taken in writing; and, if the will be subsequently attacked, shall be considered good evidence of the facts therein set forth, if the witness be dead or removed from the Republic. But any person interested in the will may, within four years afterwards, require it to be proved in solemn form, or contest its validity before the Probate Court, and the final judgment thereon given, shall be conclusive: provided, that infants, femme coverts, and persons non compos mentis, shall have the like period, after the removal of their respective disabilities.

Sec. 4. Be it further enacted, &c., In all cases of granting letters testamentary, or of administration or guardianship, the executor or executrix, administrator or administratrix, or guardian, shall enter into bond, with at least, two good and sufficient securities approved by the Judge, payable to him and his successors in office, in such penalty as they may direct; which shall, at least, be equal to double the estimated value of the estate, with a condition as follows:—"The condition of the above obligation is such, whereas, the above bound _____ has been duly appointed administrator of the estate of _____, or administrator or executor or executrix of the last will of _____, or guardian of _____, (as the case may be,) now, if the said _____ shall well and truly perform all the duties that are or may be required of him, her, or them, as such administrator or administratrix, executor or executrix, or guardian, (as the case may be,) then the above obligation to be void; otherwise to remain in full force.—Such bond shall not become void on the first recovery, and may be put in suit and prosecuted from time to time, against all or any one, or more of the obligors, in the name and at the cost of any person or persons injured by a breach thereof, until the whole penalty shall be recovered thereon; and if the Judge of the Probate Court shall fail to take the bond, with the security as aforesaid, such Judge shall be liable to be sued for all the damages arising from such neglect, by any person interested in the estate.

Sec. 5. Be it further enacted, That the Probate Court shall have full power, when letters of administration shall be granted upon insufficient security, to order and direct such administrators to give further security by bond, in the usual form; and if it appear, upon examination, that any administrator hath embezzled, wasted, or misapplied, all, or any part, of the deceased's estate; or shall refuse or neglect to give bond with security, as aforesaid, the said court may forthwith revoke or repeal the

letters of administration, and thereupon, grant letters of administration to such other person or persons having a right thereto, as will give bond in manner and form aforesaid, who may institute a suit for such goods and chattels as came to the possession of the former administrators, and were withheld, wasted, embezzled, detained, misapplied, by any of them, and no satisfaction made for the same.

Sec. 6. Be it further enacted, That any executor, executrix, administrator or administratrix, or guardian, may be ordered to give further security on complaint of his, her or any of their securities, or any of their representatives: or when there shall appear sufficient grounds to believe that he, she, or they, are about to misapply, embezzle, or remove from the Republic, the property committed to his, her, or their charge; or proof of gross neglect in the performance of any of the duties of him, her, or them, enjoined by law; or that his, her, or their securities have become insufficient, as well as for the causes heretofore specified; and, on proof that such executor or executrix, administrator or administratrix, or guardian, has removed from the Republic, or otherwise endeavored to elude the service or process on any such complaint, the same may be heard and determined though the citation be not executed.

Sec. 7. Be it further enacted, That if any executor of any last will and testament, or administrator of an intestate's estate, shall remove out of this Republic, or refuse or neglect, after due notice from the Probate Court, to render his account and make settlement of such estate with creditors, legatees, or heirs, or their legal representatives; or if any executor or administrator shall become insane; or if any administrator becomes otherwise incapable of, or evidently unsuitable to discharge the trust reposed in him, the said Probate Court are authorised and empowered, in each of the said cases mentioned in this section, to grant letters of administration with the will annexed, or otherwise, as the case may require, to such person or persons as may be entitled to the same, and as, to the said court, shall seem meet: and the administrator thus appointed, shall have the same power and authority to administer the estate of the deceased, not administered upon by such former executor or administrator, and be subject to the same duties, in as full and ample a manner as if the executor or administrator so removed as aforesaid were actually dead.

Sec. 8. Be it further enacted, That wherever security shall be ordered or taken from any executor or executrix, administrator or administratrix, or guardian, the Judge may direct such alteration in the condition of the bond, as the case may re-

quire; and may order the original securities to be discharged entirely, or from the time of taking such new security, as to him shall seem proper.

Sec. 9. Be it further enacted, That any executor, executrix, administrator or administratrix, or guardian, may, by writing by him or her, subscribed and delivered into the clerk's office, resign his or her authority: but in such case he, she, or they, and his, her, or their securities shall be bound for all the assets or effects which shall not have been duly administered or applied, or shall not be delivered to their successors respectively.

Sec. 10. Be it further enacted, That where no one shall have been admitted and qualified as an executor, executrix, administrator or administratrix, within three months after the death of the deceased, or when the executorship or administration shall have become vacant by death, resignation or removal, the Judge having jurisdiction of the case, may commit the administration to the sheriff, or some justice of the peace, of the county where the succession is opened; the said sheriff, or justice shall take the oath, and give the bond and security required of executors and administrators in other cases; and such bond may be sued, and judgment from time to time recovered thereon, in the same manner as may be provided by law, in case of other bonds of executors or administrators, or guardians. The administration so committed to any sheriff or justice of the peace may, at any time, be revoked, on the application of any of the executors, kindred, or creditors of the deceased, and the executor permitted to qualify, or another administrator appointed during any contest about the validity of a will, the infancy or absence of the executor or administrator; and in such other cases not otherwise provided for, as may so require, the Judge may appoint an administrator or administratrix, with such limited authority as the case may require; and where the necessity of the case may require, such administration may be granted or revoked forthwith, without any citation.

Sec. 11. Be it further enacted, That every Probate Court granting letters testamentary, or letters of administration, shall nominate, and by warrant appoint three, or more, judicious and discreet persons, appraisers of the estate of the deceased, who shall return their appraisement on oath, in such time as the Court shall appoint, of all the real and personal estate of such deceased as may come to their knowledge; which appraisement, if subscribed and sworn to by the executor or administrator, may be considered as an inventory of such part of the estate as had heretofore come to hand, and inventories which the executors or administrators, in all cases, shall return at the time limited by the Court;

and appraisement may be given in evidence in any suit, by or against the executor or administrator; but shall not be conclusive for or against him, if it be shown that the estate was really worth, or was, bona fide, sold for more or less than the appraisement.

Sec. 12. Be it further enacted, That where the effects, whether real or personal, of the deceased be in different counties, the Court of Probate granting letters testamentary, or of administration, shall order appraisement, and appoint appraisers in each; and the said appointment, when made and sworn to by the appraisers and executor, or administrator, (as the case may be,) shall be transmitted to the Court of Probate where the will was recorded, or administration granted; and every executor or administrator shall, upon oath, be bound to produce and show to the appraisers appointed by the Court for that purpose, or a majority of them, all, and singular, the goods and chattels of the said testator, or intestate, which has come into their or either of their hands, possession, or knowledge; and he shall, also, in a like manner point out and exhibit to the said appraisers all, and singular, the lands and land claims belonging to the defendant; and he shall cause to be made, a true and just appraisement and inventory, upon oath, of all, and singular, the lands, tenements, hereditaments, goods and chattels, rights and credits, of the said testator, or intestate, together with a list or schedule of the books of account of such testator or intestate, with the number of pages in each book—to which books, all parties concerned shall have, at all convenient times, free access; and every such executor and administrator shall be chargeable with so much of the said credits only as he shall, after due and proper diligence, recover and receive.

Sec. 13. Be it further enacted, That if there be, in the estate of the deceased, effects, whether real or personal, which belong entirely to the deceased, and others which belong to him in part only, this distinction must be made in the inventory; and especially the distinction between the separate property of the decedent, and that held in common with a surviving husband or wife, (as the case may be.)

Sec. 14. Be it further enacted, That no formalities, except those required by this law, shall be necessary to make a valid inventory; and all guardians of infants, idiots, lunatics, and persons non compos mentis, shall be required, by the Judge of the Probate Court granting letters of guardianship, to make an appraisement and inventory of the estates of persons committed to their charge, in the same manner that inventories of the estates of deceased persons are required, by this act to be made.

Sec. 15. Be it further enacted, That the appraisers shall be allowed three dollars, and such additional compensation as the Judge may allow, if the appraisement be laborious, each per day, whilst employed in appraising any estate, to be paid out of the estate so appraised.

Sec. 16. Be it further enacted, That it shall be the duty of executors and administrators within two months after granting letters testamentary, or letters of administration, to publish in some newspaper printed in this Republic, a notice requiring all persons having claims against the estate of their testator or intestate, to exhibit the same within the time limited by law, or the same shall be barred, which notice shall state the time of granting such letters testamentary, or letters of administration, and shall continue to be published once a week for six weeks, and the claimant shall have twelve months from the date of letters testamentary, or of administration to present their demand.

Sec. 17. Be it further enacted, That no bearer of a claim for money against a succession administered by an executor or administrator, shall commence an action against such succession before presenting his claim to the executor or administrator.

Sec. 18. Be it further enacted, That if such claim be acknowledged by the executor or administrator, he shall endorse or annex to the claim a declaration signed by him, stating that he has no objection to the payment of such claim; after which, the bearer of such claim shall submit it to the Judge that it may be ranked among the acknowledged debts of the succession.

Sec. 19. Be it further enacted, That if the claim be not acknowledged and approved by the executor or administrator, the owner of said claim, for the establishment thereof, may bring his action against the executor or administrator before a justice of the peace, or the district court of the county where the said succession is opened, and may obtain judgment as in ordinary cases.

Sec. 20. Be it further enacted, That the creditor who has obtained such judgment or the acknowledgment of debt, can only obtain the payment of it currently with the other creditors of the succession, unless it be such a privileged claim as ought to be paid without delay.

Sec. 21. Be it further enacted, That the debts due by any testator or intestate, shall be paid by his executor or administrator in the order following, to wit: funeral and other expenses of last sickness, charges of probate of will, or of letters of administration, judgments, mortgages and executions, the oldest first, then all other debts, and no preference whatever shall be given to creditors of an equal degree, when there is a deficiency of assets, ex-

cept in case of funeral expenses and those of the last sickness, and costs of court, judgment, executions and mortgages, the oldest of which shall be first paid, or in those cases when a creditor may have a lien on any particular part of the estate.

Sec. 22. Be it further enacted, It shall not be lawful for any executor or executors, administrator or administrators, guardian or guardians to take the estate, or any part thereof of any intestate or testator, or ward at the appraised value, or to dispose of the same at private sale, except when the same is directed by the will of the testator; but in all cases when it may be necessary to sell the whole, or part of the estate of any testator or intestate, it shall be the duty of the executor, administrator, or guardian to apply to the probate court of the proper county for an order of sale, and sell the same at public auction, and any sale made otherwise than herein directed shall be null and void.

Sec. 23. Be it further enacted, All sales made by an executor or executrix, administrator or administratrix, shall commence and close at the hours required by law; but in case the day or days set apart for such sale shall be insufficient to complete the sale of such estate intended to be sold, the same may be continued from day to day, by giving public notice thereof to the attending company at the conclusion of the sale of each day of such continuance, which continued sale shall commence and close within the hours prescribed by law.

Sec. 24. Be it further enacted, Executors and administrators within three months after their appointment, shall return to the clerk's office a full inventory of the estate, real and personal of the deceased which has come to his knowledge or possession, and within one month after the sale of any property of the estate, he shall in like manner return an account thereof, and the said accounts of sales shall be subscribed and sworn to by the executor or administrator, in the same manner that inventories are required to be sworn to and subscribed.

Sec. 25. Be it further enacted, The Chief Justice of the probate court of the county in which said Justice resides, besides presiding in the probate court in the term time, is empowered and required to take, receive and audit all accounts of executors, administrators and guardians, to receive will exhibited for probate, applications for administration, inventories and appointments duly made and sworn to, (to be recorded) to cause to be issued all citations and other necessary process returnable to the next term of said court, and the said Chief Justice after examining and auditing said accounts, and causing them to be properly stated, shall report the same for allowance to the next term of the probate

court, the executor, administrator, or guardian giving at least twenty days notice of his intention of having such account presented to the said court for allowance at such term, by posting up notice thereof in three of the most public places in the county, or advertising the same for three weeks at least, in some public newspaper in this Republic, whichever the said Chief Justice shall have directed, and the court, on due proof of notice aforesaid, and no exception being made to the accounts as stated, may decree an allowance of the said account; but if any person or persons interested in the settlement of the said account, shall by himself or attorney, appear and make exception to the account, the court shall either proceed to hear the proofs and allegations, and correct or amend the mistakes or errors in the accounts as reported, or refer the same to auditors, who shall examine and restate the account after hearing the parties and witnesses, and report to the next or some subsequent term of the said court for confirmation or allowance as aforesaid.

Sec. 26. Be it further enacted, Whenever any executor or executrix, administrator or administratrix, or guardian, shall be cited by the probate court to appear and settle his accounts as executor, administrator, or guardian, and shall fail to appear in obedience to the citation, the said probate court shall have power to issue an attachment against the person or persons so failing, in the same manner as the district courts of this Republic might or could do for disobedience to any order, judgment, or decree of said court.

Sec. 27. Be it further enacted, Where two or more persons have letters of administration granted to them of any intestate estate, and one or more of them take all or the greatest part of such estate, and refuse to pay the debts or funeral expenses of such intestate, or refuse to account with the other administrator, in such case the administrator so aggrieved may have his action of account, or bill in equity against the other administrator or administratrix, and recover such proportional share of such estate as shall belong to him, and any executor being residuary legatee may have an action of account, or a bill in equity against his co-executors, and receive his part of the estate in the hands of his co-executor or co-executors, and any other residuary legatee may have the like remedy against the executors, and any person having a legacy bequeathed in any last will and testament may sue for and recover the same at common law.

Sec. 28. Be it further enacted, When any suit may have commenced on behalf of or against the personal representative or representatives of any testator or intestate, the same may be pros-

ecuted by or against any person or persons who may afterwards succeed to the administration or executorship, and such person or persons may at any time be made parties on motion, and the cause shall proceed in the same manner, and judgment be had thereon in all respects as effectual as if the same were prosecuted by or against the parties originally named; when any personal representative or guardian shall be displaced, all monies due to him or her in such right by execution or otherwise, shall be paid to his or her succession.

Sec. 29. Be it further enacted, Every executor or administrator is bound within three months after his appointment to petition the court of probate granting letters testamentary or administration, for the sale of all the perishable property belonging to the succession, and all or such portion of the other personal property except slaves, as may be shown to the court to be necessary for the payment of debts against said estate, and in case, or if on further information he finds that the proceeds of the sale of the personal property will not be sufficient for the payment of the said debts, he shall then, within six months after his appointment, or as soon as he ascertains the said deficiency, petition the probate court for the sale of the slaves and real estate of the decedent, or so much thereof as may be necessary for the payment of the said debts, and the said court on full and satisfactory proof of the existence of the debts, and the necessity of the sale, shall order the same on cash or credit as may be most advantageous to said estate, or as the nature of the claims against said estate may require.

Sec. 30. Be it further enacted, Should the executor or administrator fail to petition the court for the sale of property as directed by the above section of this act, then it may be lawful for any one of the creditors of the said estate whose claims have been acknowledged or established, to petition the court for the sale of the property for the payment of the debts against the said succession, and the court shall thereupon proceed and make such order and decree as if the petition had been filed by the executor or administrator.

Sec. 31. Be it further enacted, That the executor or administrator shall, within six months after the granting the letters testamentary or of administration, if he have sufficient funds belonging to the estate, pay the funeral expenses, costs of court, expenses of the last sickness, or other debts, the payment of which cannot be retarded; and, at the end of twelve months after the granting of the letters testamentary or of administration, he shall render to the Probate Court granting said letters, a just and true

account, upon oath, of the receipts and expenditures of the estate administered upon within the preceding year; he shall, also be bound to file a statement mentioning the names and places of residence of the creditors of the succession, and the amount due to each as acknowledged, established or claimed; and also the character of the claims respectively,—as also the amount of funds on hand; and shall fully account for all his proceedings in relation to said estate, and the court shall, thereupon, order payment of the claims of creditors, either in whole or in part, according to the extent of the funds of the estate, paying the debts according to the order of their privilege as laid down in this law; and if the funds be not sufficient for the payment of all the debts, then the debts of an equal degree shall be paid *pro rata*.

Sec. 32. Be it further enacted, That the term for the administration of the succession is fixed at one year from the day of appointment of the administrator, or the granting letters testamentary, but the Probate Court may extend the time, on good causes shown; and nothing in this act shall prevent an executor or administrator, when the estate is not indebted, or only to a small extent, from settling with the heirs, devisees and legatees, and delivering up the estate to them before the end of twelve months. And should the said executor or administrator fail to render his account to the Court of Probate, at or before the end of the first term of the Probate Court, after the expiration of twelve months from the grant of letters testamentary or of administration, or should he fail to pay the creditors according to the order of the Court of Probate made in relation thereto, within ten days after granting said order, then execution may issue from the Probate Court in the name of the creditors whom he has failed to pay, against the property of said executor or administrator, and his or her securities, which shall be sold after the usual advertisements, for what it will bring in cash.

Sec. 33. Be it further enacted, That no letters of administration shall be granted to any person whatsoever as principal creditor or creditors, but upon special trust and confidence, and for the benefit of all the rest of the creditors; and all debts of an equal nature shall be discharged by such administrator in average and proportion, as far as the assets of the intestate shall extend, and no preference shall be given among the creditors in an equal degree; and every such administrator shall be obliged to sue for such debts as he may reasonably expect to recover; or at the request and proper charge of any of the creditors of the intestate, assign and empower them, or any of them, to sue for the debts outstanding to the estate of such intestate.

Sec. 34. Be it further enacted, That if any person shall, by will, appoint his debtor to be his executor, such appointment shall not, in law and equity, be construed to be a release or extinguishment of the debt, unless the testator shall, in his will, expressly declare his intention to release the same.

Sec. 35. Be it further enacted, Where the Chief Justice of any county is appointed executor of the last will and testament of any person deceased, within his jurisdiction, and chooses to take upon himself the burthen and execution thereof, he shall prove said last will and testament, and qualify as executor thereof before the Judge of the District Court of the said county, either during term or vacation; and where he may seek or require administration of the succession of any person dying intestate, within his jurisdiction, or administration with the will annexed, the Judge of the District Court of said county, either in term time or during vacation, may have jurisdiction of and determine respecting the same, and grant letters of administration if the said Chief Justice shall be thereto entitled, and take bonds for due administration, and do all other acts thereunto incident: and the said Chief Justice, when acting as executor or administrator, shall account for the execution of the will, and the management of the estate so committed to him, before the Judge of the District Court for the said county, in the same manner that executors and administrators are required to account before the Courts of Probate; and the said Chief Justice shall be required to file, among the records of the Probate Court of which he is the Judge, the last will and testament aforesaid, and probate thereof, and letters of administration, and all other proceedings in cases testamentary and of administration, in the same manner as is practised in cases where they may not be interested or concerned, after the same shall have been recorded in the office of the Clerk of the District Court, where such will shall be proved or administration granted as aforesaid.

Sec. 36. Be it further enacted, That the place where the succession shall be opened is fixed as follows, viz:—in the county where the deceased resided, if he had a fixed domicile or residence in the republic; in the county where the deceased owned real estate, if he had neither domicile nor residence in the Republic; or in the county in which the principal effects of the deceased are: if he have effects in different counties, or in the county in which the deceased has died, if he had no fixed residence, nor any immoveable effects within the Republic at the time of his death.

Sec. 37. Be it further enacted, That it shall be lawful for any person entitled to a distributive share of any succession, whether real or personal, or may hold property in common with said succession, who shall have arrived at the age of twenty-one years, or be married, or who, if an infant shall have a guardian legally appointed, to petition the Court of Probate for the county where the said succession was opened, or where lie the principal effects of the said succession, for a summons, to be issued and directed to all persons interested or in possession of such estate, commanding them to appear at the next term of the Probate Court, which summons must be served at least ten days before the said Court, to show cause why a writ of partition, to be directed to certain commissioners, authorizing and requiring them to divide said estate, shall not be awarded by the said Court; and if, on the return of such summons, sufficient cause be not shown to the contrary, the said Court shall decree the partition of said estate, and order a writ of partition to be issued, directed to three or more discreet persons, commanding them, or a majority of them being first duly sworn, fairly and impartially to discharge their duty, to proceed to execute the said writ, and return the same to said Court within a time to be fixed and specified in some writ.

Sec. 38. Be it further enacted, That when the said estate cannot, in the opinion of the commissioners, be fairly and equally divided amongst the parties interested therein, without manifest injury to them, or some of them, they shall make a special return of the whole property and the value thereof duly appraised, and certify their opinion to the Court, whether it will be most for the benefit of all parties interested therein, to deliver over to one or more of them the property which cannot be fairly divided, upon the payment of a sum of money to be assessed by the said commissioners, or to sell the same at public auction, and the court shall proceed to consider and determine the same; and if it shall appear to the Court that the said estate cannot be equally and fairly divided, and that it will be for the benefit of all the parties interested in the said estate, that the same shall be vested in one or more persons, entitled to a portion of the same on the payment of a sum of money, they shall determine accordingly; and such person or persons, on payment of the consideration money, shall be vested with the estate so adjudged to them, as fully and absolutely as the deceased was vested therewith; but if it shall appear to the Court, to be more for the interest of the parties that the same should be sold, it shall direct a sale to be made on such a credit, and on such terms as to it shall seem right; and the pro-

ceeds of said sale shall be distributed among those interested in said estate, according to the respective share or interest in the same.

Sec. 39. Be it further enacted, That the service of the summons in partition shall be proved on oath, by the person making the same; and if the defendant, or any of them, be minors, having no guardian legally appointed, the court shall appoint a guardian or guardians *ad litem*, to defend their interests in said partition; and if the defendant, or any one of them be absent from and beyond the limits of this Republic, the Court in term time, or vacation, shall order publication to be made in one or more newspapers printed in the Republic, for the space of three months, or longer, should the same by the court be deemed necessary, commanding the defendant or defendants to appear and answer the plaintiff's petition; and if the said defendant or defendants do not appear within the time specified, either personally, by guardian or attorney, then the court shall appoint a guardian *ad litem* to defend the interests of the absentees, and shall proceed to divide the estate as if they were personally present.

Sec. 40. Be it further enacted, That the persons who shall be appointed to make such partition, or a majority of them, may, if they shall think it necessary, call into their aid one or more surveyors to run the lines of any lands, and also the divisional lines thereof; and the commissioners are hereby authorised and required, in the admeasurement aforesaid, to have regard to the true and real value of the lands in question; and when any tract of land has been divided they, or a majority of them, shall return to the Court of Probate a general plat of the said land, in which the division lines shall be plainly set down, and with a certificate thereon in writing, under their hands, describing the manner in which the division has been made; and all expenses that may be incurred in making said partition shall be paid by the parties interested in said division, and the portion of the estate allotted to each of the distributees shall be held liable to the payment of his or her portion of the said expenses; and if not paid, the Court of Probate may issue execution therefor, in the names of the persons entitled thereto, and sell the said portion of the said distributee for cash, after the usual advertisements.

Sec. 41. Be it further enacted, That all questions in relation to the settlement of the accounts of the estate with the administrator, or with the heirs or any one of them, or in relation to the collection or return of advancements made by the ancestor, and all others of a similar nature, shall be decided by the judges before the issuing of the writ of partition; and in the writ special instruc-

tions shall be given to the commissioners, and particularly there must be set forth the partition of the estate to be allotted to each one among whom the property is to be divided; and it is hereby made the special duty of the Court of Probate to guard and protect the interests of minors and absentees, and their guardians shall be allowed out of their estates all reasonable and necessary expenses incurred in protecting and defending the same, and all sales to effect partition shall be made by the Clerk of the Probate Court issuing the order of sale; and the portions of monies, or evidence of debts, belonging to minors, shall be paid to their guardians then or thereafter appointed, or shall be retained by the said clerk until a guardian is appointed, or until the minor arrives at the age of twenty-one years; and in the case of absentee minors or adults, the said clerk shall pay over all monies due them, as fast as the same can be collected, to the Treasury of the Republic of Texas, to be held by the same in trust for the said absentees, their guardians or attorneys, legally appointed; and the said Clerk and his securities shall be liable on his official bond for the faithful performance of the duties herein required of him, or he may be required to give further bond if, by the Court, deemed necessary; and on either bond he may be sued from time to time, and judgment recovered thereon, in the same manner as is provided by law in case of bonds of executors or administrators, or guardians; and the said Clerk shall be allowed, for all sales under decree of the Probate Court, three per cent. on all sums under three hundred dollars; and one per cent. on all sums above the first three hundred; and for every conveyance made to purchasers, he shall be allowed the sum of five dollars.

Sec. 42. Be it further enacted, That where the effects, whether real or personal, of the estate to be divided, lie in several counties, the Judge of the Court of Probate of the county where the succession has been opened, shall order division, and direct a writ of partition to commissioners appointed in each; and the same proceedings shall be had by the said commissioners, and by the Court, as are directed by the above law, in cases where the estate lies in the county where the Court of Probate is held: Provided always, That where the property to be divided lies in any county other than where the succession is opened, or where the proceedings for partition are had, then it may be lawful for the Court, without appointing commissioners, when it shall be satisfied by sufficient proof, which must be taken in writing and filed with the records of the Court, that the said property cannot be conveniently divided, or that its sale would be more advantageous to the parties interested, to order the sale of the said proper-

ty after the usual advertisements; and should it be impossible or inconvenient for the Clerk of the Probate Court making said order of sale, to attend to the execution thereof, then it shall be lawful for the Probate Court to appoint some prudent and discreet person to **make the said sale**; the individual so appointed shall give bond in double the estimated amount of the property to be sold, payable to the Judge of the Court of Probate, with at least two good securities, conditioned for his faithfully executing the said order of sale in the manner pointed out by law; and the individual so appointed shall proceed to conduct the said sale, pay over the proceeds thereof to the parties interested; and the Treasurer of the Republic, in the manner pointed out for the Clerks of the Probate Court by this law; and they shall receive the same commissions, and their necessary expenses, and be subject to the same liabilities to which the said clerks are subjected by this law.

Sec. 43. Be it further enacted, That if any person shall think himself aggrieved by the judgment, sentence, decree or determination of any Probate Court, such person shall be at liberty to appeal therefrom to the District Court, within twenty days next after such judgment, decree, determination or order shall have been given, the applicant giving the usual bond in the case of appeal; and on the trial of such appeal, testimony, in addition to that taken in the Court of Probate, shall be heard.

Sec. 44. Be it further enacted, That executors administrators and guardians shall, for their care, trouble and attention in the execution of their several duties, receive or retain in their hands **the sum of five dollars for every hundred dollars they may receive**, and the like sum of five dollars in every hundred dollars they may pay away in credits, debts, legacies, or otherwise, during the course or continuance of their administration; and should they not be satisfied with the legal commissions, they may in case of having **extraordinary trouble in the management of estates under their care**, be at liberty to bring an action in the District Court for compensation for their services; but no judgment shall be given for more than ten per centum over and above the sum herein-before allowed.

Sec. 45. Be it further enacted, That any father or surviving mother, may by deed or last will and testament, (either of them being executed in the presence of two creditable witnesses) grant or devise the custody of a minor child which had never been married, although it be not born, during any part of the infancy of such child, to whomsoever he or she will; and such grant or devise shall give the grantee or devisee full power over the person of a child, and authorize him by action to recover the

child with damages, for the wrongful taking of him or her, for his or her use; and for the same use to undertake the care and management, and receive the profits of the ward's estate, real and personal; and prosecute and maintain all necessary action and suits concerning the same.

Sec. 46. Be it further enacted, That any guardian so appointed by the last will and testament of any person admitted to probate in any Court, shall before the exercise of any authority over the minor, or his estate, declare openly in said Court, his acceptance of said guardianship, which shall be recorded; and he shall give bond and security in the manner required of executors and administrators by this act; and the said guardian, and all guardians appointed by the Probate Court, before letters of guardianship are issued, shall take an oath for the faithful discharge of the duties of his trust.

Sec. 47. Be it further enacted, That the Probate Judge in each county, when, and as often as there may be occasion, is hereby empowered to appoint guardians that shall be chosen by minors of fourteen years of age, in open court, who shall be appointed, unless there be good and sufficient cause for their rejection; and it shall be lawful for the said Court to appoint guardians to such as shall be within or under that age—the father or mother, the brothers and sisters, and the next of kin, in the order enumerated, are entitled to the guardianship of the minor; but if there be neither father nor mother, sisters or kindred; or in the event that the brother or sister, or next of kin do not apply for the guardianship of the minor, or are not able or refuse to give sufficient security, then the Court may appoint any suitable person to the guardianship. The father or mother shall not be compelled to give security for the guardianship of their minor children, except when required by the Court, or when the mother may marry a second time; and it shall be lawful for the Probate Court, with the consent of the person entitled to the guardianship of the minor, to appoint any suitable person as said guardian: the person appointed as guardian, before the minor arrives at fourteen years of age, shall continue to act as such after that time until a guardian is chosen by said minor; and when a minor above fourteen years of age, shall be cited by the Probate Court to choose a guardian, and (if) such minor shall refuse or neglect so to do,—or any guardian chosen by such minor, shall be unable to give sufficient security, or shall refuse the trust, in every such case the Probate Court shall have the same power to appoint a guardian, as though such minor was under the age of fourteen years.

Sec. 48. Be it further enacted, That every guardian shall, within three months after his appointment and acceptance of such office, return to the Court appointing him, an inventory, on oath, of all the estate, real and personal, which he shall have received or taken possession of, or which has come to his knowledge, (to be entered of record) in the manner directed by this law, for the making and return of inventories by executors and administrators. And the said guardian shall, once in every year, and oftener, if hereunto lawfully required render an account of his management of said estate and the proceeds thereof, and of the sale and disposition of each product, and generally of the receipts and expenditures of said estate; which accounts being examined and audited in the same manner as executors and administrator's accounts, and reported fairly stated, and supported by vouchers, and approved of by the Court, shall be recorded in the said Court.

Sec. 49. Be it further enacted, That any guardian who shall not deliver in such inventory, or render such account, shall by order of the Court to which he is answerable, be summoned, and if to remain in default, be compelled to perform his duty, or be displaced; and the said Court may, for any good and sufficient cause, displace a guardian, giving such guardian fourteen days previous notice, by citation to appear and show why he should not be displaced; and the Probate Court shall, at any time it shall know or have cause to suspect that the securities of a guardian, or any of them, are in failing or dubious circumstances, shall require and compel such guardian to give additional security or securities; and if he refuses or neglects to do so, shall displace him.

Sec. 50. Be it further enacted, That within a month after closing the inventory, the guardian shall petition the sale of the personal property (except slaves) of the minor, unless the Judge, for any sufficient reason, should authorise the guardian to preserve the said property, in kind, in whole or in part; in which case the guardian shall return to the minor, the estimated value of said property which he cannot restore in kind, or which he has suffered to deteriorate for want of care.

Sec. 51. Be it further enacted, That the land and slaves of the minor cannot be sold, or mortgaged, unless on the application of the guardian for that purpose, and on the testimony, on oath, of at least three discreet persons, to be taken in open court, and to be put on record in said Court, that they believe such sale is of absolute necessity, or of evident advantage to the minor; and all private sales of the property of a minor, by a guardian, shall be absolutely null and void.

-Sec. 52. Be it further enacted, That the minor's property cannot be sold for less than a price to be fixed by order of the Court, which shall not be greater than the amount of the appraised value of said property, nor less than two-thirds of said appraisement; and the Judge shall have the authority of granting such terms of credit, and giving such other facilities as shall secure prompt and advantageous sale of the property of the minor.

Sec. 53. Be it further enacted, That the prohibition of alienating the slaves and real property of a minor does not extend to the case in which a judgment is to be executed against him, or where property is to be sold for a division between co-heirs and co-proprietors.

Sec. 54. Be it further enacted, That it shall and may be lawful for the Court of Probate to appoint guardians for idiots, lunatics, and persons non compos mentis, on full proof of the idiocy, madness, or incompetency of the person prayed to be interdicted; and the rules respecting the guardianship of the minor, concerning the oath, the inventory and security, the mode of administering the property, the sale of the estate, the commissions of the guardian, the granting and the deprivation of the guardianship, the mode of rendering the accounts, and other obligations apply with respect to the guardianship of idiots, lunatics, and persons non compos mentis, and the said guardian or guardians are hereby empowered to collect, sue for and recover all just debts due to such idiot or lunatic or person non compos mentis, and to bring, prosecute and defend any action in any court of law or equity, which the said idiot, lunatic, or person non compos mentis might bring, prosecute or defend, were he or she sane or competent, to the discharge of his or her business; and they shall pay all just debts of such persons contracting when they were of sound mind, and before his or her distraction or lunacy, out of the personal estate; or if that be insufficient, then out of the real estate, in such way and manner as executors and administrator may, by law discharge the debts of deceased persons, when the personal estate is insufficient.

Sec. 55. Be it further enacted, That if any idiot, lunatic, or person non compos mentis, shall be restored to the use of his or her reason and sanity of mind; and if the same shall be made to appear to the Probate Court, who shall judge thereof, the residue of his or her estate, both real and personal, shall be returned and delivered to him or her; and the guardian or guardians of persons interdicted, as well as the guardians of minors, shall have the same compensation and commissions as are allowed to executors, by the provisions of this law.

Sec. 56. Be it further enacted, That in all cases where property is sold at a sale of a succession of any deceased person, or of the property of minors, idiots, lunatics, and persons non compos mentis, the property of the purchaser, or his securities, may be seized and sold on execution, for cash, to the highest bidder, without the necessity of appraisement.

Sec. 57. Be it further enacted, That in all cases where not otherwise directed, process from the Probate Court shall be served five days before the session of the Probate Court at which the said process is to be returned.

Sec. 58. Be it further enacted, That in all cases of appeal from any Court in this Republic, it shall not be necessary for executors, administrators, or guardians, to give the bond and security required of applicants in other cases; but in all cases of appeals pronounced frivolous by the Court trying the appeal, the costs shall be paid out of the private property of the executor, administrator or guardian.

Sec. 59. Be it further enacted, That the fees hereafter allowed to Probate Judges shall be—for taking the probate of any will or testament, five dollars; for examining and auditing each account of executors, administrators, or guardians—for all monies received or paid out, one per cent., when the account does not exceed ten thousand dollars; and one-half per cent. on the excess when the amount is over ten thousand dollars; for appointing an administrator or guardian, three dollars; for the rejection of each application for the appointment as administrator or guardian, three dollars—to be paid by the party rejected; for deciding upon an application for a writ of partition, five dollars, to be paid by the estate if granted—if refused, by the party applying; for apportionment of an insolvent's estate among creditors, ten dollars; for each application for the sale of property, three dollars; for examining the tableau of distribution, and ordering payment of creditors, four dollars; for all decrees or orders not herein enumerated, one dollar; and the said judge shall be entitled to no other fees than those allowed by this law.

Sec. 60. Be it further enacted, That the respective Judges of Probate, upon the passage of this act, shall be required to cause all executors, administrators and guardians, to whom letters of administration or guardianship have been granted twelve months previous to the passage of this act, to appear before them and account for their proceedings in relation to the estates which they may have administered, and settle their accounts as executors, administrators and guardians are required to settle by this law; and all executors, administrators or guardians, to whom letters of

administration and guardianship may have heretofore been granted, shall at the expiration of twelve months from the granting of such letters of administration or guardianship, be required to come forward and settle, as above; and any administrator or executor, failing to comply with the provisions of this section, shall be liable to the penalties prescribed by this act, for defaulting administrators or executors.

Sec. 61. Be it further enacted, That, whenever express provisions are made, or directions given, in any will or testament, for the sale, or other disposition of any property belonging to the estate of the deceased, the executor or executrix of such will shall not be required to obtain from the Probate Court, an order for such sale, or other disposition of such property, but may proceed to sell, or otherwise dispose of the same, as directed in such will or testament, and make return thereof as required by law.

Sec. 62. Be it further enacted, That when an administrator has accounted for his proceedings in relation to an estate committed to him, and has settled his account with the same, if there be a balance due the heirs of said estate, the same shall be paid to the heirs thereof, according to their respective interests in said estate; or if the heirs be minors, or absent, then to their guardians or attorneys, legally appointed; but in the event that there be no guardians to the said minors, appointed as the law directs, whether the said minors be within or beyond the limits of this Republic, or that adult absentees have no attorneys or agent within this Republic, then it shall be the duty of the said administrator to pay the said balance, or the share thereof due the said minors or absentees, within thirty days after the final settlement of said estate, to the Treasurer of this Republic, who shall deliver to the said administrator duplicate receipts, making mention of the sum received, and the name of the succession or heirs, on whose account it has been paid.

Sec. 63. Be it further enacted, That it shall be the duty of the Judge who has determined definitively the balance due to minors who have no guardians, and to absentees, within fifteen days after the date of said judgment, to transmit a copy thereof to the Treasurer of the Republic; and the judge shall allow, in the accounts of administrators, the costs of two copies of said judgment—one to be retained by the administrator, and the other forwarded to the Treasurer as aforesaid. The administrator who has paid the said balance of his account, or the portion thereof required by this law, into the Treasury of the Republic, shall deposit one of the receipts delivered to him in the Probate Court: and it is only on the exhibition of this receipt that he or his securities can be discharged from his administration.

Sec. 64. Be it further enacted, That when a succession, the heirs of which, or a part of whom are absent from, and not represented in this Republic, if there remain in the hands of the administrator any letters or papers belonging to the said succession or heirs, the Judge shall order them to be deposited in Court, in order that they may be delivered to the said heirs, their guardians or attorneys in fact.

Sec. 65. Be it further enacted, That the funds of estates paid into the Treasury of the Republic, shall remain in deposit until claimed by their heirs, or those having a right to them.

Sec. 66. Be it further enacted, That after payment into the hands of the Treasurer of the Republic, and the discharge of the administrator, or any one who has a right to claim the succession, or the payment of any debts due him by the deceased, such heir must cause his quality to be recognized before the Probate Court; and such auditor must cause his claim to be established before a competent court, in the county where the succession is opened; and in both cases the Court must appoint an attorney ad litem to defend the interests of absent heirs, who shall deny the pretensions of such person, as heir or creditor, and discharge his duty under the strictest responsibility.

Sec. 67. Be it further enacted, That if the demand of the person claiming the succession, a portion of it, or the payment of a debt, be established by a judgment, the Treasurer of the Republic shall pay to such claimant, on his exhibiting an authentic copy of said judgment, the amount due him, either as heir or creditor, if there be a sufficient amount of said succession deposited in the Treasury to satisfy his demands.

Sec. 68. Be it further enacted, That if administrators, within three months after the date of the judgment rendered in their accounts, neglect to pay the portion of the succession hereby required of them to be paid into the Treasury of the Republic, then it shall be the duty of the Treasurer of the Republic to denounce them to the District Attorney of the District where the succession is opened, who shall, in the name of the Republic, take out an execution for the amount which should have been paid to the Treasurer, from the Probate Court where the estate has been settled against the said administrator and his securities, and their property, after the usual advertisements, shall be sold for cash to the highest bidder, without the necessity of appraisement.

Sec. 69. Be it further enacted, That where estates have been already closed, and there remain any funds in the hands of administrators belonging to minors without guardians, or to absentees, the said administrators are required within three months

after the passage of this act, to pay over the said funds to the Treasurer of the Republic, under the penalties prescribed by the above section, against defaulting administrators; and every judge of the Probate Courts of this Republic is required to transmit a copy of every decree heretofore made, settling the accounts of administrators in which a balance has been decided to be due to minors or absentees: Provided, That it may be in the power of the said administrator, to show that he has heretofore paid out the said succession to the persons entitled to the same.

Sec. 70. Be it further enacted, That the Clerks of the Probate Courts shall be entitled to five dollars for every writ of partition; and for every summons, or other process issued from said Courts, fifty cents.

Sec. 71. Be it further enacted, That the commissioners, for the partition of any estate, shall be allowed five dollars each, for every day they are engaged in dividing the same.

Sec. 72. Be it further enacted, That all laws and parts of laws conflicting with, and contrary to the provisions of this act, be, and the same are hereby repealed.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved 5th February, 1840.

MIRABEAU B. LAMAR.

AN ACT

To regulate the Descent and Distribution of Intestates' Estates.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the estates of suicides shall descend or vest as in cases of natural death; if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

Sec. 2. When any person having title to any estate of inheritance, either real, personal or mixed, shall die intestate as to such estate, it shall descend and pass in parcenary to his or her kindred, male and female, in the following course, that is to say:—

Sec. 3. To his or her children and their descendants, if any there be.

Sec. 4. If there be no children, nor their descendants, then to his or her father and mother in equal portions; but if only the father or mother survive the intestate, then his or her estate shall be divided in two equal portions, one of which shall pass to such survivor, and the other shall pass to the brothers and sisters of the deceased, and to their descendants, or to such of them as there be; but if there be none such, then the whole estate, shall be inherited by the surviving father or mother.

Sec. 5. If there be neither father or mother, then the whole of such estate shall pass to the brothers and sisters of the intestate, and to their descendants, or to such of them as there be.

Sec. 6. If there be none of the kindred aforesaid, then the inheritance shall be divided in two moieties, one of which shall go to the paternal and the other to the maternal kindred in the following course, that is to say—to the grand-father and grand-mother in equal portions; but if one only of these be living, then the estate shall be divided in two equal parts, one of which shall go to such survivor and the other shall go to the descendant or descendants of such deceased grand-father or grand-mother; if there be no such descendant or descendants, then the whole estate shall be inherited by the surviving grand-father or grand-mother; if there be no grand-father or grand-mother, then the whole of such estate shall go to their descendants, or to such of them as there be; and so on without end, passing in like manner to the nearest lineal ancestors and to their descendants, or to such of them as there be.

Sec. 7. Where any person shall die intestate, and without issue, having title to any estate of inheritance, either real, personal or mixed, derived by gift, devise or descent, from the father, and there be living, at the death of such intestate, his father, or any brother or sister of such intestate on part of the father, or paternal grand-father or grand-mother of the intestate, or any brother or sister of the father, or any descendant of any of them, then such estate shall descend and pass to the paternal kindred without regard to the mother, or other maternal kindred of such intestate, in the same manner as if there had been no such mother or other maternal kindred.

Sec. 8. When any person shall die intestate and without issue, having title to any estate of inheritance, either real, personal or mixed, derived by gift, devise or descent, from the mother, and there be living at the death of such intestate, his mother, or any brother or sister of the intestate on part of the mother, or the maternal grand-father or grand-mother of the intestate, or any brother or sister of the mother, or any descendant of any of them, then

such estate shall descend and pass to the maternal kindred without regard to the father or other paternal kindred, in the same manner as if there had been no such father or other paternal kindred living at the death of such intestate.

Sec. 9. No right in the inheritance shall accrue to any persons whatsoever, other than to children of the intestate, unless they be in being and capable in law to take as heirs at the time of the intestate's death.

Sec. 10. Where, for want of issue of the intestate, and of father, mother, brothers and sisters, and their descendants, the inheritance is directed to go by moieties to the paternal and maternal kindred, if there should be no such kindred on the one part, the whole shall go to the other part; and if there be no kindred either on the one part or the other, the whole shall go to the wife or husband of the intestate; and if the wife or husband be dead, it shall go to her or his kindred in the like course as if such wife or husband had survived the intestate, and then died entitled to the estate.

Sec. 11. In cases beforementioned, where the inheritance is directed to pass to the collateral kindred of the intestate, if part of such collaterals be of the whole blood to the intestate, and the other part of the half blood only, those of the half blood shall inherit only half so much as those of the whole blood; but if all be of the half blood, they shall have whole portions.

Sec. 12. Where the children of the intestate's brothers and sisters, uncles and aunts or any other relations of the descendant standing in the same degree, come into the partition, they shall take per capita, that is to say, by persons; and where a part of them being dead and a part living, the issue of those dead have right to partition—such issue shall take per stirpes, or by stocks, that is to say, the shares of their deceased parent.

Sec. 13. Where any of the children of a person dying intestate, or their issue, shall have received from such intestate, in his lifetime, any real, personal or mixed estate, by way of advancement, and shall choose to come into the partition and distribution of the estate with the other parcenors and distributees, such advancement of real, personal and mixed estate shall be brought into hotch-potch with the whole estate, real, personal and mixed, descended; and such party returning such advancement as aforesaid, shall thereupon, be entitled to his or their proper portion of the whole estate so descended, real, personal and mixed, and provided that it shall be sufficient to account for the property so brought into hotch-potch as at the time it was advanced; and

when money or negroes shall have been advanced, the interests of the one or the increase of the other need not be brought into hotch-potch.

Sec. 14. In making title to land by descent, it shall be no bar to a party that any ancestor through whom he derives his descent from the intestate, is or hath been an alien, and every alien to whom any land may be devised or may descend, shall have nine years to become a citizen of the Republic, and take possession of such land; or shall have nine years to sell the same, before it shall be declared to be forfeited, or before it shall escheat to the Government.

Sec. 15. Where a man having by a woman a child or children, shall afterwards intermarry with such woman, such child or children, if recognized by him, shall thereby be legitimated: the issue, also, in marriages deemed null in law, shall nevertheless be legitimate.

Sec. 16. Bastards shall be capable of inheriting or of transmitting inheritance on part of their mother, and shall also be entitled to a distributive share of the personal estate of any of their kindred on the part of their mother, in like manner as if they had been lawfully begotten of such mother.

Sec. 17. When two or more persons hold an estate, real, personal or mixed, jointly, and one joint tenant dies before severance, his interest in said joint estate shall not survive to the remaining joint tenant, or joint tenants, but shall descend to and be vested in the heirs or legal representatives of such deceased joint tenant in the same manner as if his interest had been severed and ascertained.

Sec. 18. Joint tenants and parcenors may maintain actions of waste against each other respectively: but no parcenor shall have or possess any privilege over another in any election, division or matter to be made or done concerning lands which shall have descended to them.

Sec. 19. This act shall be in force from the passage thereof; and all laws, or parts of laws, in any wise contravening or conflicting with the provisions of this act, be and the same are hereby repealed.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, 28th January, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

For the exchange or redemption of certain Promissory Notes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Secretary of the Treasury, be and he is hereby authorized to admit and receive whatever amount of promissory notes which are now in circulation, and which were issued between the nineteenth of January, eighteen hundred and thirty-nine, and the twenty-seventh of February, of the same year, with the amount of interest which may be due thereon, and part of an issue of one hundred and forty-eight thousand six hundred and ten dollars, made by the former Secretary of the Treasury, in the same manner as former issues of the same notes.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 28th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To provide the mode of Trying Titles to Lands.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all fictitious proceedings in the action of ejectment shall be abolished, and that the methods of trying titles to land or tenements in this Republic, shall be by action of trespass, wherein the real names of the plaintiff and defendant shall be used; and if the jury shall find for the plaintiff, they may, in the same verdict, award damages for the mesne profits, and judgment shall be entered on such verdict, as well for the damages as for the recovery of the land, and the plaintiff shall, thereupon, be entitled to writ of possession for the land, and an execution for his damages.

Sec. 2. Be it further enacted, That in actions of trespass brought to try titles to land, the plaintiff or his attorney, shall always endorse on the original and copy of his petition, that the action is brought as well to try the title as for damages; and the said action shall be tried on their merits conformably to the principles of trial by ejectment.

Sec. 3. Be it further enacted, That in all actions commenced or prosecuted in any of the courts of this Republic, wherein the right or title to any lands or tenements shall come in question, the presiding judge of the court wherein the same may be depending, in order for the better finding out and discovering the truth of the matter in difference, shall, either in chambers or in open court, at his own discretion, or on the motion of any of the parties to said suit, appoint a surveyor, who shall survey and return the same on oath at the next sitting of the said court; and if the court shall acquiesce in the return of the surveyor given in on oath, as aforesaid, the same shall be allowed as evidence.

Sec. 4. Be it further enacted, That in all actions of trespass to try title, where the defendant shall set up title to the land in question, or any part thereof, either by possession or otherwise, he shall be required to plead the same, and in the plea shall set out the land so claimed by him by metes and bounds, with the same precision as the plaintiff is required to do.

Sec. 5. Be it further enacted, That when a tenant is sued for lands of which he is in possession, the real owner or his agent or attorney, may enter himself on the proceedings as the defendant in the suit, and shall be entitled to make such defence as if he had been the original defendant in the action.

Sec. 6. Be it further enacted, That it shall not be necessary to prove an actual trespass on the part of the defendant to support this action, nor shall this act be so construed as to alter, impair or take away the rights of parties as arising under the laws in force before the introduction of the common law, but the same shall be decided by the principles of the law or laws under which the same accrued, or by which the same were regulated, or in any manner affected.

Sec. 7. Be it further enacted, That in all actions of trespass to try titles to lands, commenced within the time limited by law, the plaintiff shall proceed with all convenient expedition to the trial of the same; and in case a verdict and judgment shall pass against him in such action, such verdict and judgment shall not be conclusive and definitive against the plaintiff, but at any time within one year the said plaintiff, or any other person claiming under him, shall have a right to commence his action for the recovery of the said lands *de novo*, and prosecute the same in the manner and with the expedition before directed; but in case a verdict and judgment again pass against such plaintiff, then such second verdict and judgment shall be finally conclusive on the part of every such plaintiff; and he shall be forever barred and excluded from any further action or suit for the recovery of the

same lands, and the right of the defendant shall be thenceforth finally settled and established against such plaintiff, his heirs and assigns—excepting persons out of the limits of the Republic, who shall be allowed two years, and feme coverts who shall be allowed one year after discoverture, and persons under the age of twenty-one years, who shall be allowed one year after they come to full age, to prosecute their second action in the manner above directed.

Sec. 8. Be it further enacted, That in any action of trespass to try titles, it shall be lawful for the defendant, at any time before the trial of said suit, to suggest to the court, that he and those persons whose estate he has in the lands and tenements sued for, have had adverse possession of the same in good faith, for at least one year next before the commencement of such suit; and that he and those persons whose estate he has, have made permanent and valuable improvements on the lands sued for, during the time he or they have had such possession of the same; and the jury trying the suit, if they shall find for the plaintiff, shall at the same time, enquire if the suggestion so made be true or false—if false, they shall return a verdict as in ordinary cases, for the damages sustained—but if true, they shall assess the value of the improvements at the time of the trial which have been made by the defendant, or by those whose estate he has, and shall assess the value of the land or tenements without considering the increased value thereof by reason of such improvements, as shall have been made by said defendant, or by those whose estate he has; and they shall also, assess the value of the use and occupation of the said lands; and if the value of the use and occupation as assessed shall exceed the value of the improvements as assessed, the court shall render a judgment against the defendants for the excess.

Sec. 9. Be it further enacted, That in any suit where the value of the improvements so assessed shall exceed the value of the use and occupation, no writ of possession shall be issued for the term of one year after the rendition of the judgment, unless the plaintiff or his legal representatives shall pay to the clerk of the court, for the defendant, the excess of the assessed value of the improvements over the value of the use and occupation: and if the said plaintiff, or his legal representatives, shall neglect, for the term of one year, to pay the excess in value of said improvements, and the said defendant, or his legal representatives, shall within six months after the expiration of said year, pay to the clerk of the court, for said plaintiff, the value of the lands or tenements as assessed by the jury, then the plaintiff shall be forever barred of

his writ of possession, and from ever having or maintaining any action whatever against the defendant, his heirs or assigns, for the lands or tenements recovered by such suit; and if the defendant, or his legal representatives, shall not, within the said six months, avail him, or themselves of the benefit of this act, the plaintiff, or his legal representatives, may sue out a writ of possession as in ordinary cases.

Sec. 10. Be it further enacted, That plaintiffs who are without the limits of this Republic, shall have two years to take the benefit of the provisions of this act; and plaintiff feme coverts and minors shall be allowed one year after their disability is removed, to take advantage of the same.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To detect fraudulent Land Certificates, and to provide for issuing patents to legal claimants.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That there shall be elected by joint vote of both Houses of Congress, three Commissioners, whose duty it shall be to visit each county in the Republic, the county seat of which is east of the Brazos river; and, also, three other Commissioners, whose duty it shall be to visit each county, the county seat of which is west of the Brazos river; and, in conjunction with three County Commissioners, to be elected in like manner by Congress, from the respective counties for which they are to act, to inspect the records of the Boards of Land Commissioners, and ascertain by satisfactory testimony what certificates for land have been issued by the respective boards to legal claimants, and report as soon thereafter as practicable to the Commissioner of the General Land Office, such certificates as they find to be genuine and legal, setting forth in their reports the number and date of the certificates, the quantity of land, and the name of the person to whom issued; in which report, at least two of the General Commissioners and two of the County Commissioners must concur.

Sec. 2. Be it further enacted, That each of the General Commissioners, before entering upon the duties of their appointments, shall be commissioned by the President, and shall take and subscribe before some District Judge, or Chief Justice of a county, the following oath:—"I do solemnly swear, that as a commissioner to investigate the transactions of the Boards of Land Commissioners, I will honestly and faithfully discharge my duties, and will not report or recommend to the Commissioner of the General Land Office, any certificate that I do not believe to be a genuine and legal claim against the Government, and issued in conformity with the provisions of the Constitution, and of the laws granting donations of land to emigrants; and I do also swear, that I will neither directly or indirectly purchase or trade, in any way, for lands or certificates for lands, during the time I am acting as Commissioner to investigate the records of the Boards of Land Commissioners for the several counties for which I am appointed; and that I will not report or recommend to the Commissioner of the General Land Office, any certificate for land in which I am in any way interested;" and each of the County Commissioners, before entering upon the duties of his appointment, shall take and subscribe the same oath before some Chief Justice of a county, or before one of the General Commissioners; which oath, the person so administering shall have recorded in the County Court Clerk's office of the county; and it shall be the duty of the District Judge, or Chief Justice of a county, administering the oath to the General Commissioners, to endorse the same on the back of their commissions.

Sec. 3. Be it further enacted, That the Commissioners east of the Brazos river shall meet at the town of Milam, in the county of Sabine, on the first Monday in February next, or as soon thereafter as practicable, and continue their labors until they shall have visited every county east of the Brazos, and made report to the Commissioner of the General Land Office, as required by this act; and the Commissioners west of the Brazos shall meet at the town of Nashville, in the county of Milam, on the first Monday in February next, or as soon thereafter as practicable, and continue their labors until they have visited every county west of the Brazos, and reported as required above, to the Commissioner of the General Land Office.

Sec. 4. Be it further enacted, That it shall be the duty of the Commissioner of the General Land Office, upon the return of a survey made in accordance with law, and by authority of any certificate that shall be returned as genuine and legal by the Commissioners appointed by this act, and as required by this act,

to make out and deliver to the rightful owner a patent for the same, unless it shall appear from the records of his office, or from information, on oath, given him, that there is some illegality in the claim; in such case he shall refer the matter to the Attorney General, whose decision in writing shall be sufficient authority for him to issue or withhold the patent as the case may be.

Sec. 5. Be it further enacted, That the Commissioner of the General Land Office is hereby prohibited from issuing a patent upon any survey that shall not have been or may hereafter be made by authority of a certificate returned as genuine and legal by the Commissioners appointed by this act, or by authority of a warrant issued for military services, after the same shall have been presented to, and approved by the Secretary of War, or by authority of a certificate issued by special act of Congress; and any patent issued contrary to the provisions of this act, shall be null and void, and the Commissioner of the General Land Office issuing a patent contrary to the provisions of this act, shall be deemed guilty of a high misdemeanor, and on conviction thereof before the District Court, shall be fined in a sum of not less than five thousand dollars, unless the person claiming such patent shall produce to the Commissioner of the General Land Office, the judgment or decree of a District Court of this Republic, from which no appeal was taken within the time prescribed by law, that he is justly entitled to the amount of land under the Constitution and laws of this Republic.

Sec. 6. Be it further enacted, That the Commissioner of the General Land Office shall, in every instance of a head-right claim, make out the patent in the name of the original claimant, and the patent made out in the name of any other person shall be null and void.

Sec. 7. Be it further enacted, That any person claiming land by virtue of an assignment made previous to the issuing of the patent by the Government on the said claim, shall have six months from the issuing of the said patent to have the assignment proved up, and recorded in the county where the land is situated; and any assignment proven up and recorded as required by law, within the said six months, shall be as valid in law as if it had been proven up recorded at the time the said transfer was made.

Sec. 8. Be it further enacted, That in all cases where appeals have been taken to the District Court from the Boards of Land Commissioners, in accordance with section the 16th of the land law, passed December the 14th, 1837, and where said appeals have been decided by the verdict of a jury in favor of appel-

lants, it shall be the duty of the Commissioners herein appointed to report such claims as having been passed by the Judiciary, on which it shall be the duty of the Commissioner of the General Land office to issue patents as required above.

Sec. 9. Be it further enacted, That should a vacancy occur in the Board of General Commissioners, it shall be the duty of the President to fill the vacancy as early as practicable; and should a vacancy occur in any of the Boards or County Commissioners, the Board of General Commissioners shall fill the same.

Sec. 10. Be it further enacted, That, the General Commissioners appointed by this act, shall receive as compensation for their services, ten dollars per day, from the time they commence their labors, until they shall have visited all the counties which, by this act, they are required to visit, and five dollars for every twenty-five miles they must necessarily travel in going to the place of their commencement, and for returning from the last county they visit to the seat of Government, and from thence to their place of residence; and the County Commissioners shall receive five dollars per day for the time they are actually employed.

Sec. 11. Be it further enacted, That there be, and is hereby specially appropriated for the purpose contemplated in this act, the sum of twenty thousand dollars of the promissory notes of the Government, and the Treasurer is hereby authorised and required to pay five hundred dollars in advance to each of the six General Commissioners, and to pay to the County Commissioners, upon the certificate of the General Commissioners, or any two of them, the sum of five dollars per day for the time they were actually employed.

Sec. 12. Be it further enacted, That the clerks of the County Courts shall act as clerks to the Commissioners appointed under this act, whose duty it shall be to record in a well-bound book, a synopsis of the certificates approved and returned to the General Land Office as genuine and legal, stating the number, the date, the quantity of land, and the name of the claimant; which book of record, after being approved and signed by the Commissioners, shall be attested by the Clerk, and filed in his office for public reference: it shall, also, be the duty of the Clerk immediately to make out two copies of said synopsis, one of which shall be retained by the General Commissioners, and the other transmitted by them to the Commissioner of the General Land Office; and in case of the absence of any of the clerks, it shall be the duty of the Commissioners to appoint some suitable

person to act as clerk; and the said clerks shall receive for their services five dollars per day for the time they are actually employed, to be paid upon the certificate of any two of the General Commissioners.

Sec. 13. Be it further enacted, That no member of Congress shall be elected to the office of Commissioner under the provisions of this act.

Sec. 14. Be it further enacted, That no individual who has heretofore been employed in any of the land offices in any of the counties of this Republic, as Land Commissioners, shall be eligible to the office of either General or County Commissioner.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Vetoed by the President, and passed by a constitutional majority in the House of Representatives, this 28th January, 1840.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

Vetoed by the President, and passed by a constitutional majority of the Senate, this 29th January, 1840.

DAVID G. BURNET,
President of the Senate.

AN ACT

To repeal the eighth section of the "Act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the eighth section of the act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants, passed January 1840, be and the same is hereby repealed, and made null and void from and after the passage of this act.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

For the payment of persons for Military services heretofore rendered.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Treasurer of the Republic is hereby directed to pay all audited drafts in the hands of original holders, and which have not been sold or transferred, for personal services, and for provisions furnished, and so much of the one million of dollars appropriated for the protection of the frontier, and for other purposes, by an act approved 24th January, 1839, as is necessary for this purpose, is hereby appropriated.

Sec. 2. Be it further resolved, That the holder or holders of audited papers, or their attorneys in fact, provided for by the first section of this act, shall be required to take an oath before some Chief Justice, Notary Public, or the Treasurer, that he or they may have never sold, alienated, or in any manner transferred the same.

Sec. 3. Be it further resolved, That the agent or attorney in fact of any original holder of said claim or claims, may make affidavit that he received the same for collection, from the original owner; and, that to the best of his knowledge and belief, it has never been sold or transferred by him; and said affidavit shall be as legal as if made by the owner.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved 14th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

To dispense with the necessity of protesting negotiable instruments for dishonor, and of giving notice thereof; and to regulate assignments of all written instruments.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it shall not be necessary for the owner or holder of a bill of

exchange, promissory note, check, draft, or other negotiable instrument, to have any of those instruments protested for non-acceptance, or non-payment; nor shall it be necessary to give notice of such dishonor to any drawer, endorser, or assignor of the same; and every such party shall, without any protest or notice whatever, be held responsible as security for the final payment of every such instrument: provided, however, that in all cases in which either a protest or a notice was hitherto necessary, the party that would have been released from responsibility by a failure to make such protest, or to give such notice, shall, hereafter, be released from all responsibility, unless the owner or holder of such instrument shall use due diligence to collect the same; and every holder or owner shall be adjudged not to have used due diligence who shall not have instituted a suit against the drawer or maker of such instrument, before the first term of the District Court after the right of action accrued, or shall not institute such suit before the second term of said court; and also show good cause why he did not institute his suit before the first term.

Sec. 2. Be it further enacted, That any person to whom any of the aforesaid negotiable instruments may have been assigned, may, thereupon, maintain any action in his own name, which the original obligee, or payee might have brought; but he shall not only allow all just discounts against himself, but if he obtained the same after it became due, he shall, also, allow all just discounts against the assignor, before notice of the assignment was given to the defendant: but should he obtain such instrument before its maturity by giving for it a valuable consideration, and without notice of any discount or defence against it, then he shall be compelled to allow only the just discounts against himself.

Sec. 3. Be it further enacted, That the obligee or assignee of any bond, or other written instrument, may transfer to another, by assignment, all the interest which he may have in the same, and an assignee of any of them may maintain an action in his own name; but, as this section has no reference to negotiable instruments, he shall allow every discount and defence against the same, which it would have been subject to in the hands of any previous owner, before notice of the assignment was given to the defendant; and, in order to hold the assignor as security for the payment of the instrument, the assignee shall use due diligence to collect the same.

Sec. 4. Be it further enacted, That the assignee or assignees, his, her, or their executors or administrators of any of the instruments mentioned in the preceding sections of this act,

shall be entitled to recover from any previous assignor or assignors, his, her, or their executors or administrators: provided, that in any suit brought against a remote assignor, or remote assignors, his, her, or their executors or administrators, he she, or they, shall be subject only to such recovery, and shall have the benefit of the same defence as if the suit had been instituted by any intermediate assignee or assignees; and provided, also, that no joint action shall be commenced against any two or more assignors, unless when they shall be joint assignors.

Sec. 5. Be it further enacted, That when a suit shall be instituted by any assignee or assignees of any of the aforesaid instruments, the assignment or assignments thereof, shall be regarded as fully proved, until the defendant or defendants shall deny in his plea, that the same are genuine, and moreover shall file, with the papers of the cause, an affidavit, stating that he or they have good cause to believe, and verily do believe, that one or more of such assignments were forged.

Sec. 6. Be it further enacted, That the assignor or endorser of any the beforementioned instruments may be sued without the necessity of previously suing the drawer, maker or obligor, when he may either reside beyond the limits of the Republic, or in such part of the same that he cannot be reached by the ordinary process of the law, or when he may be notoriously insolvent.

Sec. 7. Be it further enacted, That parol testimony shall be inadmissible to prove that the assignor, drawer or endorser released the owner of any of the aforesaid instruments from his obligation to use due diligence to collect the same.

Sec. 8. Be it further enacted, That this act be in force forty days after the adjournment of the present session of Congress.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved January 25th, 1840.

MIRABEAU B. LAMAR.

AN ACT

In relation to Common Schools and Academies, and to provide for securing the lands formerly appropriated for the purposes of Education.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Chief Justice, and two Associate Justices of each and

every county in this Republic, be and they are hereby appointed ex-officio a board of school commissioners in and for their respective counties with full power and authority, by their name of school commissioners for such county, to receive, hold, lease, sell, and convey, or otherwise dispose of any lands, tenements, goods, chattels, or other property real or personal, of any kind whatsoever, which shall or may be given, granted, conveyed or appropriated to them for the benefit of schools or academies within their said counties, by any person, state, or body politic whatsoever: provided, that no act of said commissioners in relation to any property shall be valid, except it have for its object the establishment, support or benefit of schools within their respective counties.

Sec. 2. Be it further enacted, That it shall be the duty of the said school commissioners, as early after the passage of this act as may be convenient, to cause to be located and surveyed by some legal surveyor or surveyors, the three leagues of land appropriated to each of the counties of this Republic, by an act of Congress passed the 26th day of January, in the year 1839, entitled "an act appropriating certain lands for the establishment of a general system of education:"—provided the same have not been previously surveyed and located; and if any part of the said three leagues of land have been already surveyed and located, and due returns made thereof according to the provisions of the aforesaid act, then the said commissioners shall cause to be located and surveyed so much more land as will, including the parts surveyed and returned as aforesaid, amount to three leagues.

Sec. 3. Be it further enacted, That the county treasurer of any of the counties of this Republic, shall pay, upon the warrant of the Chief Justice, certifying under his hand that so much is due for surveying school lands for said county, to said surveyor or surveyors, so much money as the said warrant shall require: provided, that in no case the expense of said surveying and locating shall be greater than at the rate of one hundred dollars per league.

Sec. 4. Be it further enacted, That the said board of school commissioners be, and they are hereby authorised to cause to be surveyed, in such manner as is prescribed by the before cited act, one additional league of land, in the manner therein described, which said additional lands the said board of commissioners may, in their discretion, at any time, sell and convey to any person or persons whatever, and apply the proceeds of the same, or any part thereof, to the purchase of the necessary scientific endowments,

one-half for the use and benefit of an academic school of each county, and the remainder distributed equally among the various common school districts which may be laid off in their respective counties.

Sec. 5. Be it further enacted, That it shall be the duty of the said commissioners of common schools, whenever, in their opinion, the population or interests of education require the same, to organize any parts of their said several counties into school districts, for the purpose of establishing schools in the same; in which case, the said commissioners shall cause to be published, in at least three places in the said district, a notice of the said organization, and the time and place of holding the first district meeting.

Sec. 6. Be it further enacted, That the said commissioners of common schools shall, ex-officio, be inspectors of schools; and shall, by themselves, or by persons specially appointed by them for that purpose, examine all persons who may apply for employment at either academic or common schools; and when said commissioners shall be satisfied of the moral and literary qualifications of such candidates, they shall give him a certificate under their hands to that effect, without which certificate no teacher of any public school formed under this act shall be entitled to demand or recover any compensation for his services whatever.

Sec. 7. Be it further enacted, That, in examining persons desirous to teach either academic or common schools, the inspectors aforesaid shall not give a certificate of qualifications for teaching academic schools unless the candidate give satisfactory evidence of good moral character, and be a regular graduate of some college, or university of learning equivalent thereto; nor shall they give certificates of fitness to teach common schools, unless the candidates give evidence of good moral character and capacity to teach reading, writing, English grammar, arithmetic and geography.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

To authorize James Izod to sign the President's name to the Promissory notes of the Government.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That James Izod be, and he is hereby authorised and empowered to sign the name of the President of the Republic, to the Promissory notes that may be issued agreeably to the laws of the Republic.

Sec. 2. Be it further resolved, That James Izod shall be entitled to five dollars for every five hundred bills he may sign.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 7th December, 1839.

MIRABEAU B. LAMAR.

AN ACT

To amend an act Regulating Estrays, passed December 1836.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, it shall be unlawful for any person or persons to stray any animal or animals of the cow kind, unless the same shall have been on his or her plantation, or land or stock range, at least one year next previous to the time of straying the same.

Sec. 2. Be it further enacted, That any person or persons, on making application to a Justice of the Peace for the purpose of estraying any cattle, shall make oath that the same have been one year, in conformity to the first section of this act, on his or her plantation, or land, or stock range; and that he or she did not directly nor indirectly cause the same to be driven there, and that he or she has made enquiry through the neighborhood where said cattle are, and cannot learn, nor do not know, to whom the same belongs.

Sec. 3. Be it further enacted, That if any person or persons shall drive, or cause to be driven, either directly or indirect-

ly, any domestic animals out of their accustomed range, except he or she be the owner thereof, or have authority from the owner, such person or persons so offending, shall forfeit and pay the sum of fifty dollars, to be recovered before any court of competent authority—one-half to the informant and the other half to the county where the offence was committed; and shall be further liable in a suit for damages to the party aggrieved.

Sec. 4. Be it further enacted, That if any person or persons shall take up an estray or estrays, and use them before estraying the same, such person or persons shall forfeit and pay the sum of fifty dollars, to be recovered before any court of competent authority—one-half to the informant, and the other half to the county where the offence was committed; and shall be further liable for damages to the party aggrieved.

Sec. 5. Be it further enacted, That if any person or persons shall use any estray or estrays after having estrayed them, he or she shall not be allowed any pay for the keeping the same; and should the same be abused by such use, the owner shall be entitled to damages for such abuse, from the person or persons so abusing, recoverable before any court of competent jurisdiction.

Sec. 6. Be it further enacted, That all estrays shall be kept in the county where the same were estrayed, at least one year after they have been estrayed, and shall not be sold within that period; and any person or persons acting in contravention of this section of this act, shall forfeit and pay the sum of one hundred dollars, recoverable before any court of competent authority—one-half to go to the informant, the other half to the county where the offence was committed; and shall be further liable to the owner on a suit for damages; and all laws and parts of laws to the contrary notwithstanding.

Sec. 7. Be it further enacted, That when horses or mules are taken from among mustangs, the person so taking shall not be required to estray the same; but shall advertise such horse or horses, or mules, in the nearest newspaper to where they were taken, for the space of thirty days, and shall be kept in the county wherein the same was taken for six months after such taking; and should the owner of such horse or mule appear within said six months, and prove, according to law, that such horse or mule is his or her own property, he or she shall be entitled to take the same, by paying over to the person having them in possession, one-half part of the value of such horse or mules; but should the person owning the same fail to appear and make proof, as is herein required, then the right of property shall vest in the taker up,

or his agent: Provided always, That the taker up shall, in no instance, be entitled to more than thirty dollars.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

Concerning Free Persons of Color.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, it shall not be lawful for any free person of color to emigrate to this Republic.

Sec. 2. Be it further enacted, That if any free persons of color shall emigrate to this Republic, it shall be the duty of the sheriff, or any one of the constables of the county to which such emigration shall be made, to arrest such free person of color, after giving him ten day's notice, and bring him before the Chief Justice of the county, or Judge of the district; and it shall be the duty of the Chief Justice, or Judge of the district, before whom such free person of color may be brought, to receive the bond of such free person of color in the sum of one thousand dollars, with the security of a citizen, to be approved by him, conditioned for the removal of such free person of color out of the limits of the Republic.

Sec. 3. Be it further enacted, That if any free person of color should be brought before any Chief Justice of any county, or District Judge, and shall not be able to give the bond as prescribed in the second section of this act, such Chief Justice, or District Judge, shall commit such free person of color to the public jail, with an order to the sheriff to expose him to public sale to the highest bidder, at the court-house door of his county, after giving four weeks' notice of the same, in the nearest public journal, and at least four public places in his county; and the said purchaser shall and may exercise all the rights of ownership over said free person of color, for one year from such sale.

Sec. 4. Be it further enacted, And if any such free person of color, shall during the year of such slavery, be able to give his

bond as contemplated in the second section of this act, to take effect at the end of his slavery, he shall be permitted to do so; but if he shall fail to render the bond, until after the expiration of his slavery, it shall be the duty of the purchaser to return him into the hands of the sheriff.

Sec. 5. Be it further enacted, It shall be the duty of the sheriff. upon the return of any such free person of color, upon giving six weeks' notice in some public journal, and at least four public places in his county, to expose the free person of color so returned, at public sale, to the highest bidder; and such free person of color so sold shall remain a slave for life: Provided, That if any person of color so sold should be the property of any individual, he shall have his right of recovery by due course of law.

Sec. 6. Be it further enacted, All monies arising from the sale of such free person of color, shall be paid into the county treasury, subject to appropriation by the District Court for public purposes.

Sec. 7. Be it further enacted, Upon the forfeiture of the bond of any free people of color, the same shall be placed in the hands of the District Attorney for collection, who shall prosecute the same against the securities only; and the amount of sale, if such shall have been made, of the free person of color, shall, in all cases, be subtracted from the amount adjudged against the securities, and the remainder only shall be recovered of them.

Sec. 8. Be it further enacted, That two years shall be allowed, from and after the passage of this act, to all free persons of color who are now in this Republic, to remove out of the same; and all those who shall be found here after that time, without the permission of Congress, shall be arrested and sold as provided in this act.

Sec. 9. Be it further enacted, That it shall not be lawful for any master of a vessel, or owner thereof, nor for any other person or persons whatsoever, to bring, import, induce, or aid or assist in the bringing, importing, or inducing any free person of color within the limits of Texas, directly or indirectly; and any person so offending shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum of not less than one nor more than ten thousand dollars: Provided, That cooks and other hands employed on board of vessels shall not be considered as coming within the provisions of this act.

Sec. 10. Be it further enacted, That the President of the Republic do issue his proclamation, commanding all free persons of color who are now in the Republic, to remove from the same

before the first of January, 1842, and the Secretary of State publish this act a number of times in all the journals of this Republic.

Sec. 11. Be it further enacted, That all laws contrary to the meaning and spirit of this act, are hereby repealed.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved 5th February, 1840.

MIRABEAU B. LAMAR.

AN ACT

Concerning Conveyances.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That no estate of inheritance or freehold, or for a term of more than five years, in lands and tenements, shall be conveyed from one to another, unless the conveyance be declared by writing, sealed and delivered; and any instrument to which the person making the same shall affix a scroll, by way of seal, shall be adjudged and holden to be of the same force and obligation as if it were actually sealed: provided the person making the same shall, in the body of the instrument, recognize such scroll as having been affixed by way of seal; nor shall such conveyance be good against a purchaser for valuable consideration, not having notice thereof; nor any creditor, unless the same writing be acknowledged by the party or parties who shall have sealed and delivered it, or proved by two witnesses to be his, her, or their act, before the County Court of the county in which the land conveyed, or some part thereof, lieth; or in the manner hereinafter directed, and be lodged with the Clerk of the County Court to be recorded.

Sec. 2. Be it further enacted, That no covenant or agreement made in consideration of marriage shall be good against a purchaser for a valuable consideration, not having notice thereof, or any creditor, unless the same covenant or agreement be acknowledged by the party to be bound thereby, or proved by two witnesses to be his, her, or their act; if land be charged before the court of the county in which the land, or part thereof, lieth; or if personal estate only be settled, or covenanted, or agreed to

be paid, or settled before the court of that county in which such personal estate shall remain, and before the court of the county in which the married parties may reside, (if they reside in another county,) or in the manner hereinafter directed, and be lodged with the Clerk of the County Court in which such property may remain, and in which such married parties may reside, to be recorded; and all the provisions of this act shall be complied with, notwithstanding anything that may be contained in the eighth section of the act to adopt the common law, &c., approved January 20th, 1840.

Sec. 3. Be it further enacted, That in no case shall livery of seizin, or the placing the purchaser in possession be necessary to pass any freehold estate in lands.

Sec. 4. Be it further enacted, That all bargains, sales, and other conveyances, whatever, of any lands, tenements and hereditaments, whether they may be made for passing any estate of freehold or inheritance, or for a term of years; and deeds of settlement upon marriage, whether land, slaves, money, or other personal thing, shall be settled or covenanted to be left, or paid, at the death of the party, or otherwise; and all deeds of trust, and mortgages whatsoever, which shall hereafter be made and executed, shall be void as to all creditors and subsequent purchases for valuable consideration without notice, unless they shall be acknowledged, or proved and lodged with the clerk, to be recorded according to the directions of this act—but the same as between the parties and their heirs; and, as to all subsequent purchasers, with notice thereof, or without valuable consideration, shall nevertheless be valid and binding.

Sec. 5. Be it further enacted, That, the clerks of the several county courts of this Republic, and their deputies shall be, and they are hereby authorised and required to admit to record, at any time, in the form required by this act, any conveyance, either on the acknowledgment of the party or parties, or the proof, on oath, of such acknowledgment by the legal number of witnesses thereto made, in the offices of the respective clerks; or upon the certificate of some District Judge or Chief Justice, or Notary Public of a county, with the seal of his office thereunto annexed, that such acknowledgment was made, or the execution of the instrument proven as required above: and any conveyance so recorded, shall have the same legal validity, in all respects, as if it were proven in open court.

Sec. 6. Be it further enacted, That any deed may in like manner be admitted to record upon the certificate, under seal, of any two Justices of the Peace for any county in this Republic,

A. B. [L. S.]
C. D. [L. S.]

Sec. 8. Be it further enacted, That hereafter every partition of any tract of land, or lot, made under any order or decree of any court, and every judgment or decree by which the title to any tract of land, or lot, shall be recovered, shall be duly recorded in the Clerk's Office of the County Court of the county in which such tract of land, or lot, or part thereof, shall be; and until so recorded, such partition, judgment, or decree, shall not be received in evidence in support of any right claimed by virtue thereof.

Sec. 10. Be it further enacted, That the several clerks aforesaid shall, on the first day of every term of their respective courts, return to the courts a correct and complete list of all deeds by them admitted to record in the manner aforesaid, since the term last preceding of their said courts, specifying therein the proof or acknowledgment of such deed before them, (as the case may be,) and also particularly reciting the truth of the case in relation to any deed which may have been admitted to record, upon the certificates of magistrates as aforesaid, and setting forth

therein a description of each deed, by the names of the parties thereto, and the kind of property therein mentioned; which list, having been inspected by the court, shall be inserted in the minutes of the proceedings of the day, and read therewith in open court; and the said clerks shall, moreover cause a fair copy of such lists of deeds to be set up by ten o'clock a. m. of the day in which such return is made, at the principal door of their respective court-houses.

Sec. 11. Be it further enacted, That any clerk failing to make the return aforesaid, or to advertise a copy thereof in the manner herein prescribed, shall forfeit and pay, for every such neglect of duty, the sum of one hundred dollars, recoverable with costs on action or information, in the District Court of the county in which such clerk has his office—one moiety to the informer, or person suing for the same, and the other to the Republic.

Sec. 12. Be it further enacted, That every deed respecting the title of personal chattles hereafter executed, which, by law ought to be recorded, shall be recorded in the Clerk's office of the County Court of that county in which the property shall remain; and if afterwards the person claiming title under such deed, shall permit any other person in whose possession such property may be, to remove with the same, or any part thereof, out of the county in which such deed shall be recorded, and shall not, within four months after such removal, cause the deed aforesaid to be certified to the County Court of the county in which such other person shall so have removed, and to be delivered to the clerk to be there recorded, such deed, for so long as it shall not be recorded, in such last mentioned county, and for so much of the property aforesaid as shall have been removed, shall be void in law as to all purchasers thereof for valuable consideration, without notice, and as to all creditors.

Sec. 13. Be it further enacted, That every conveyance, covenant, agreement, deed, deed of trust, or mortgage, in this act mentioned, which shall be acknowledged, proved, or certified, according to law, and delivered to the clerk of the proper court to be recorded, shall take effect, and be valid as to all subsequent purchasers for a valuable consideration, without notice; and as to all creditors, from the time when such instrument shall be so acknowledged, proved, or certified and delivered to such clerk to be recorded, and from that time only.

Sec. 14. Be it further enacted, That all alienations of real estate, made by any person purporting to pass or assure a greater right or estate than such person may lawfully pass, or assure,

shall operate as alienations of so much of the right and estates in such lands, tenements, or hereditaments, as such person might lawfully convey, but shall not pass or bar the residue of said right or estate purporting to be conveyed or assured; nor shall the alienation of any particular estate on which any remainder may depend, whether such alienation be by deed or will; nor shall the union of such particular estate with the inheritance by purchase or by descent, so operate as to defeat, impair, or in any wise, to affect such remainder.

Sec. 15. Be it further enacted, That every estate in lands which shall hereafter be granted, conveyed or devised to one, although other words heretofore necessary at common law to transfer an estate, in fee simple, be not added, shall be deemed a fee simple, if a less estate be not limited by express words, or do not appear to have been granted, conveyed or devised by construction, or operation of law.

Sec. 16. Be it further enacted, That the following form or purport of a release, or the said form in substance, shall, to all intents and purposes, be valid and effectual to convey from one person to another, the fee simple of any land or real estate, if the same be executed in the presence of, and subscribed by two or more credible witnesses:—

“The Republic of Texas.

Know all men by these presents, that I,
of the _____ in the Republic aforesaid, in consideration of _____ dollars and cents, to me paid by _____ of _____ have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release, unto the said _____ all that (here describe the premises) together with all and singular the rights, members, hereditaments and appurtenances to the same belonging, or in anywise incident or appertaining, to have and to hold, all and singular, the premises abovementioned, unto the said _____ his heirs, and assigns, forever; and I do hereby bind myself, my heirs, executors and administrators to warrant and forever defend all and singular the said premises, unto the said _____ his heirs and assigns, against every person whomsoever, lawfully claiming or to claim the same, or any part thereof.

Witness my hand and seal this _____ day of _____ in the year of _____

Signed, sealed and delivered }
in presence of _____ }

[L. S.]”

Provided, That no person shall be obliged to insert the clause of warranty, or be restrained from inserting any clause or clau-

ses in conveyances hereafter to be made, that may be deemed proper and advisable by the purchaser and seller; and that other forms not contravening the laws of the land, shall not be invalidated.

Sec. 17. Be it further enacted, That all conveyances by commissioners, sheriffs, or other officers legally authorized to sell land, hereafter to be made, for lands sold in virtue of any decree, or judgment of any court within this Republic, shall be, and they are hereby declared to be good and effectual for passing the absolute title to such lands to the purchasers thereof; and all persons claiming under them, any law (to) the contrary notwithstanding, saving to the Republic; and to all and every person or persons, bodies politic and corporate, their respective heirs and successors, other than the parties to such conveyances, decrees or judgments, and those claiming under them, all such right, title, interest, and demand, they, every or any of them, would have had in case this act had not been made.

Sec. 18. Be it further enacted, That an estate of freehold or inheritance may be made to commence in future, by deed, in like manner as by will.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To Suppress Duelling.

Whereas, from a false sense of honor, the inhumane and detestable practice of duelling has been too often resorted to as a mode of adjusting or settling differences of small magnitude between individuals; and to arrest this vice, the relict of an ignorant and barbarous age, justified neither by the precepts of morality nor the dictates of reason, this law is enacted.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, if any person or persons shall deliver, offer, or send any challenge in writing, verbally or otherwise, to fight a duel, or shall accept any such challenge to fight a duel, the person or persons so offending shall be deem-

ed guilty of a high misdemeanor; and on conviction thereof, shall be fined in the sum of one thousand dollars, and be imprisoned twelve calendar months, and be rendered forever incapable of holding any office of honor, trust or profit, under the Government of this Republic, from the time of such conviction.

Sec. 2. Be it further enacted, That if any person or persons shall bear a challenge, or an acceptance to fight a duel, knowing the same (to) be such a challenge or acceptance, or shall consent to become a second to either party to fight a duel; or shall aid or abet, or advise, or encourage any person to fight a duel, whether such duel be fought or not, every such person or persons shall be deemed guilty of a high misdemeanor, and on conviction thereof, shall be subject to the pains and penalties prescribed in the preceding section of this act.

Sec. 3. Be it further enacted, That if any person shall hereafter fight a duel, and either of the combatants be killed, or receive such wound that the person so injured shall die within three months thereafter, the survivor shall be deemed guilty of manslaughter, and shall suffer the pains and penalties affixed to this offence, besides those prescribed in this statute.

Sec. 4. Be it further enacted, That if any of the persons aforesaid shall, for the purpose of eluding the provisions of this law, leave the Republic, and there violate any one of its provisions, the person or persons so offending shall be deemed as guilty, and subject to the like penalties, as if these several offences had been committed within the Republic.

Sec. 5. Be it further enacted, That if any judge of the District Court, Chief Justice of the County Court, or Justice of the Peace, have just or probable grounds of suspicion that any person or persons are about to engage in a duel, they, or either of them, shall, by this act, have power and be compelled to issue a warrant to any constable, sheriff, or in the absence of those officers, to any person who is not a qualified peace officer, to take the body or bodies of all whom he may suspect to be concerned, either as principals, seconds, counsellors, aiders or abettors, and have them brought before him; and if, after such examinations as the Judge or Justice may think proper, it should appear there are just grounds for believing that the duel is intended, it shall be the duty of such Judge or Justice to bind the parties suspected in a recognizance in such sum as he may deem requisite, with sufficient securities, to appear at the next term of the District Court, as well as bind them to keep the peace until the rising of the court to which they are bound to appear.

Sec. 6. Be it further enacted, That it shall be the duty of all Judges of the District Courts to give this act specially in charge

of the Grand Juries at the commencement of each of the respective sessions.

Sec. 7. Be it further enacted, That the foreman of the Grand Jury, or any member thereof, in their retirement shall have power under the authority of the Court then sitting, to send for any person, or persons, who on oath, shall give the Grand Jury such information as they may possess, relating to or touching the violation of this law; and it shall be the duty of the Grand Jury to make presentments to the Court, of all such as may be violators, who shall be tried and dealt with as the existing laws may direct.

Sec. 8. Be it further enacted, That if any Justice, or other officer bound to preserve the peace, shall have knowledge of any intention to fight with any deadly weapons, given or received and not use or exert his official authority to arrest the parties, and prevent the duel, such justice or other officer shall, for such neglect of duty, be indicted, and on conviction, be dismissed from office.

Sec. 9. Be it further enacted, That it shall be the duty of the District Attornies to give information to the Executive, whenever a case shall arise in their respective Districts which will render the interposition of the executive authority necessary, under this law; and said Attornies shall, at the first District Court after the passage of this act, or at the time of their acceptance of office, take the following oath:—"I do solemnly swear that I will to the best of my judgment, execute the duty imposed on my by the 'act for suppressing duelling,' so help me God."

Sec. 10. Be it further enacted, That if any person or persons shall, in any newspaper or hand bill, written or printed, publish or proclaim any other person or persons as a coward, or any opprobrious or abusive language, for not accepting a challenge, or fighting a duel, such person or persons so offending shall, on conviction, be sentenced to pay a fine not exceeding five hundred dollars, as the Courts may order and direct.

Sec. 11. Be it further enacted, That all fines and forfeitures which shall be incurred under this law, shall be collected by the sheriff of the particular county where such offender or offenders shall reside, and paid by him into the Treasury for use of such county.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, 28th January, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Requiring the Post-Master-General to suspend Contracting.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Acting Post-Master-General be, and he is hereby required to suspend the contracting for carrying the mails for the ensuing year, until the 15th, instant.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved 9th December, 1839.

MIRABEAU B. LAMAR.

AN ACT

Prohibiting the Location of Fraudulent Land Claims.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the first day of May next, it shall not be lawful for any county or deputy surveyor to locate any certificate for land, or to survey any land for any person or persons holding a certificate, unless the same be certified under the hand and seal of the County Court Clerk of the county where the certificate was issued, or of the county where it is proposed to be located; or be certified under the hand and seal of the Commissioner of the General-Land-Office. that the same has been reported by the Commissioners appointed under an act of Congress to detect fraudulent land certificates, &c., passed January 1840, as a genuine and legal claim against the Government of Texas; and any surveyor offending against the true intent and meaning of this act, shall be deemed guilty of a high misdemeanor; and on conviction thereof before a District Court, shall be removed from office, and fined in a sum not more than five thousand dollars, at the discretion of the Court.

Sec. 2. Be it further enacted, That any survey made contrary to the meaning and intent of this act shall be null and void.

Sec. 3. Be it further enacted, That it is hereby made the duty of the Commissioner of the General Land Office, so soon as returns are made to his office by the Commissioners appointed under an act to detect fraudulent land certificates, and provide for issuing patents to legal claimants, passed January 1840; (and) in accordance with said act, to make out and transmit, as soon thereafter as practicable, to the County Court Clerk of each county in the Republic a full and true copy of the return made from the several counties.

Sec. 4. Be it further enacted, That a sufficient amount of the promissory notes of the Government be, and the same is hereby appropriated for defraying the expenses of having printed a sufficient number of the returns as required above.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To amend An Act entitled An Act Regulating the License and Practice of Attornies.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, the second section of an act entitled an act regulating the license and practice of Attornies be and the same is hereby repealed.

Sec. 2. Be it further enacted, That hereafter a certificate of qualification, signed by any District Judge of this Republic, shall be a sufficient license to authorise any citizen to whom it may be given, to practice law in all the Courts of law and equity within the same.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To Punish Individuals concerned in Making, Selling and Locating
Fraudulent Land Certificates.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That every person who shall make or issue any fraudulent or forged certificate for land, or shall purchase or sell any such certificate, knowing the same to be forged or fraudulent, or shall locate any such certificate, or be in any manner directly or indirectly concerned in the making or issuing, purchasing, selling or locating any forged or fraudulent land certificate, knowing the same to be fraudulent, shall on conviction thereof, receive thirty-nine lashes on the bare back, and shall be imprisoned not less than three nor more than twelve months, at the discretion of the court.

Sec. 2. Be it further enacted, That it shall be the duty of every justice of the peace in this Republic, to take cognizance of offences committed against this act, and they are hereby authorized and empowered to arrest and hold to bail in the same manner as they now do in other cases of crime and misdemeanor.

Sec. 3. Be it further enacted, That, it shall be the duty of the Grand Juries of the different counties of the Republic, to enquire into and present all persons charged with a violation of the above recited act; and it shall be the duty of the Judges of the District Courts to give this act in special charge to the Grand Juries.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved 5th February, 1840.

MIRABEAU B. LAMAR.

AN ACT.

Preamble—Whereas Texas abounds in mineral products, which are the real sources of wealth and power, and not only contribute to our subsistence and comfort, but to national security and greatness, and whereas no means should be spared to develop them, with the least public delay, and as adequate capital can best be obtained by the formation of Joint Stock companies upon liberal terms, therefore,

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That Frederick B. Page, Elisha A. Rhodes, R. D. Johnson, Levi

Jones, and William Henry Dangerfield, their associates, successors and assigns shall be, and they are hereby constituted and declared to be a body politic and corporate by the name of the Trinity coal and mining company, for the purposing of opening and working mines of coal, lead, iron, and other minerals, and for the quarrying of stone and other purposes, on and near the Trinity river, and transporting to market and vending the products of their lands, mines and manufactures, and shall have power to take, purchase and hold all such property, real, personal or mixed, necessary for the immediate and appropriate purposes of the company, as they may require for the purposes aforesaid, and shall have power to make and enter into all manner of contracts, in relation to the business and property aforesaid, whereby the interest of said company may be promoted, and in such corporate name and style, they and their successors and assigns shall have continued succession, and be entitled to all the privileges and immunities of the Republic, and may have and use a common seal, and may make and alter the same at pleasure, and be able and capable to sue and be sued, plead and be impleaded in any court of law and equity; shall be competent and capable of purchasing, receiving by donation, gift, or devise, holding, mortgaging and conveying any property or estate whatsoever, real, personal or mixed, and may, for the purposes aforesaid, have and exercise, except as restricted by this act, the right to make by-laws, rules and regulations; and all rights, privileges and powers usually incident to corporations, and generally, all the rights, privileges, and powers, necessary to the attainment of the objects of this act, and to the use, control and disposition of the property acquired by them, and not repugnant to the constitution and laws of this Republic.

Sec. 2. Be it further enacted, That, the capital stock of said company shall consist of twenty-five hundred shares, of one hundred dollars each, and shall be payable at such time, and in such instalments as the directors of said company may require; and the President and directors of said company shall have power, from time to time, to increase the capital stock to such an amount as may be found convenient and necessary for the objects of this act, provided the amount of capital stock shall, at no time, exceed five thousand shares or five hundred thousand dollars.

Sec. 3. Be it further enacted, That the subscription to the capital stock of said company shall be received under the direction of Frederick B. Page, Elisha A. Rhodes, and R. D. Johnson, who are hereby appointed commissioners for that purpose,

and authorised to receive subscriptions to the said capital stock on such days and at such places, after the passage of this act, as they may appoint: twenty per cent of the amount of stock subscribed for, shall be paid in at such times and in such instalments as may be determined upon hereafter by the board of directors; all of which payments and instalments shall be paid in as directed by said board, under the pain of the forfeiture of the shares upon which such payments are required, and the full amount of money paid in at the option of the directors, and every person who shall so subscribe for or become the owner of one or more shares of said stock, shall, in virtue of such ownership, be a member of said corporation, and shall be entitled, at all meetings of the stockholders, to one vote, by person or proxy, for each share of the capital stock which shall be held by such person, and the shares of said capital stock shall be assignable or transferable, and shall be considered as personal property; Provided, that no transfer of stock shall be valid or effectual, until registered in a book to be kept for the purpose by the treasurer, which book, at all reasonable hours, shall be opened to the examination of the stockholders, or persons having demands against the corporation or any member of it, and provided, that in no case shall a fractional part of a share or shares be assignable or transferable, and that whenever any stockholder shall transfer in manner aforesaid, all his stock or shares in said company, he shall cease to be a member of said corporation:

Sec. 4. Be it further enacted, That the affairs of said company shall be managed by a President and six directors, who shall be chosen annually by the stockholders, and shall serve one year, and until others shall be elected, as shall be provided by the stockholders, in the by-laws of said corporation, and until the first election shall be held in pursuance of said by-laws, Frederick B. Page, Eli-sha A. Rhodes and R. D. Johnson, or a majority of them shall have full power to appoint, employ and compensate, and at their pleasure to remove such officers, agents or servants, as they may deem necessary in the business of the company, to purchase and hold such real or personal property, materials, vessels, carriages, machinery, implements, privileges, easements and franchises, and to cause all such machinery, buildings and other improvements to be made, as they shall deem necessary, to carry into effect the objects of said company, and the same, or any part thereof, to sell, lease, or otherwise dispose of, at their discretion, and also prescribe the mode of issuing or transferring stock in said company, and the evidence thereof, and generally to do, whatever they may deem expedient and necessary, for the interest of said

company, the same being in conformity with the objects of said act, and not contrary to the constitution and laws of this Republic, nor to any by-laws adopted at a general meeting of the stockholders of said company; and a quorum for the transaction of business, shall consist of the president and a majority of the directors, and in case of any vacancy occurring in the presidency or directory of said company, the remainder of the directors shall have power to fill the vacancy, by appointing some stockholder to serve therein until the next general election thereafter.

Sec. 5. Be it further enacted, That the said President and directors shall give notice of any call for the payment of the instalment on the capital stock, by publishing the same at least once a week for two weeks successively, in some public newspaper, in the cities of Galveston and New Orleans; which, when so published shall be a sufficient call on each stockholder, to authorise, in case of his default to comply with, the forfeiture above provided.

Sec. 6. Be it further enacted, That a general meeting of the stockholders shall be held on or before the first Monday of May next, and annually thereafter, at such time and place as shall be established by the by-laws, to which it shall be the duty of the President and directors aforesaid to make report of the whole condition of the business and affairs of said company, and special meetings of the stock holders may be called at any time by the President and directors of said company, or by the stockholders thereof, who, together, shall be proprietors of not less than one-fifth part of the whole stock of said company, first giving ten days notice in one or more newspapers published in the cities of Galveston and New Orleans, of the object or objects of such meeting, and in any and every meeting of the stockholders, a quorum for the transaction of any business, other than election for President and directors, shall consist of the owners and representatives of at least the major part of the capital stock of said company, and every such meeting shall have power to pass, amend, alter and repeal by-laws and resolutions which shall be binding on the president and directors, officers, agents and servants of the company, the same not being contrary to law, and shall also have power to require settlements, statements and accounts, relating to the business and dealings of said company, general or particular, and may also dismiss any officer, agent or servant at their pleasure, and substitute others in their stead.

Sec. 7. Be it further enacted, That the said company shall, from time, communicate to the Executive, or congress of this Republic, their progress in mining, and such other information

in Geology, Mineralogy or the "arts" as may be interesting in science, or useful in any of the branches of domestic industry.

Sec. 8. Be it further enacted, That this act "or" no part thereof shall be so construed as to give to said company any banking privileges.

Sec. 9. Be it further enacted, That all parts of this act which relate to the establishment, working or carrying on of mines, quarries, or manufactories may be modified or repealed by the congress of this Republic at any time after ten years from the passage of this act; provided also, that nothing in this act shall be so construed as to allow said company to work in any mines reserved by law to the use of the government.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved January 25th, 1840.

MIRABEAU B. LAMAR.

AN ACT

Concerning Wills.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That every person aged twenty-one years or upwards, being of sound mind, shall have power, at his or her will and pleasure, by last will and testament, in writing, to devise all the estate, right, title and interest in possession, reversion or remainder, which he or she, hath or at the time of his or her death shall have of, in or to lands, tenements, hereditaments, or annuities, or rents charged upon or issuing out of them, or shall have of, in or to any personal property whatever, so as such will and testament be signed by the testator, or by some other person in his or her presence, and by his or her direction; and moreover, if not wholly written by himself or herself, be attested by two or more credible witnesses, above the age of fourteen years, subscribing their names in his or her presence.

Sec. 2. Be it further enacted, That when any person shall die seized of lands, held for the life of another, such person may, by his or her last will and testament in writing, made and proved as herein before directed, for the devise of lands, &c., devise

all his interest in such lands; provided, that if such person so holding lands by the life of another person shall not devise away such lands, by his or her last will and testament, it shall descend to, and vest in the executors or administrators of the person so dying, seized, and be assets in their hands subject to the payment of debts, legacies and distributions.

Sec. 3. Be it further enacted, That no devise so made, or any clause thereof, shall be revocable but by the testator or testatrix, destroying, concealing or obliterating the same, or causing it to be done in his or her presence, or by a subsequent will, codicil or declaration in writing, made as aforesaid, but every last will and testament, made when the testator had no child living, wherein, any child he might have is not provided for, or mentioned, if at the time of his death he leave a child, or leaves his wife enciente of a child, which shall be born, shall have no effect, during the life of such after-born child and shall be void unless the child die without having been married, and before he or she shall have attained the age of twenty-one years. When a testator shall have children born, and his wife enciente, the posthumous child or children, if unprovided for, by settlement, and be pretermitted by his last will and testament, shall succeed to the same portion of the father's estate as such child would have been entitled to if the father had died intestate, towards which portion the devisees and legatees shall contribute proportionably out of the parts devised and bequeathed to them by the same will and testament.

Sec. 4. Be it further enacted, That if a testator leaving a child or children born, at the time of making and publishing his last will and testament, shall at his death, leave a child or children born after the making his last will and testament, the child or children so after-born, if such child or children be unprovided for by settlement, and be pretermitted by the last will and testament, shall succeed to the same portion of the father's estate as such child or children would have been entitled to if the father had died intestate; towards raising which portion the devisees and legatees shall contribute proportionably out of the parts devised and bequeathed to them by the same will and testament, in the same manner as is provided in the case of posthumous children.

Sec. 5. Be it further enacted, That if any testator or testatrix shall or may devise or bequeath any estate of any kind, by last will and testament, to any person being a child or other descendant of such testator or testatrix, and such devisee or legatee shall, during the life time of such testator or testatrix, die testate

or intestate, leaving a child or children, or one or more descendants of a child or children who shall survive such testator or testatrix, in that case such devise or legacy to such person so situated as above mentioned, and dying in the life time of the testator or testatrix shall not lapse, but the estate so devised or bequeathed shall vest in such child or children, descendant or descendants of such legatee or devisee in the same manner as if such legatee or devisee had survived the testator or testatrix and had died unmarried and intestate.

Sec. 6. Be it further enacted, That no nuncupative will shall be established unless it be made in the time of the last sickness of the deceased, at his or her habitation, or where he or she hath resided for ten days next preceding, except when the deceased is taken sick from home, and dies before he or she returns to such habitation, nor when the value exceeds thirty dollars, unless it be proved by three credible witnesses, that the testator or testatrix called on some person to take notice, or bear testimony, that such is his or her will, or words of like import.

Sec. 7. Be it further enacted, That after six months have elapsed from the time of speaking the pretended testamentary words, no testimony shall be received to prove a nuncupative will, unless the testimony or the substance thereof shall have been committed to writing within six days after making the will.

Sec. 8. Be it further enacted, That no will in writing, or any devise therein of chattels shall be revoked by a subsequent will, codicil or declaration, unless the same be in writing.

Sec. 9. Be it further enacted, That any soldier in actual military service, or any mariner or seaman, being at sea, may dispose of his chattels without regard to the provisions of this act.

Sec. 10. Be it further enacted. That if any person shall subscribe his name as a witness to a will wherein any bequest is given to him, if the will cannot be otherwise proved, the bequest shall be void, and such witness shall be allowed and compelled to appear and give testimony on the residue of the will, in like manner as if no such bequest had been made; but if such witness would be entitled to any share of the estate of the testator or testatrix, in case the will were not established, so much of his said share shall be saved to him, as shall not exceed the value of the legacy bequeathed.

Sec. 11. Be it further enacted, That no nuncupative will shall be proved within fourteen days after the death of the testator, nor until those who would have been entitled by inheritance, had there been no will, have been summoned to contest the same if they please.

Sec. 12. Be it further enacted, That all original wills shall be recorded in the clerk's office of the court wherein they are respectively found, and shall remain there except during such time as they may be in any courts, having been removed thither for inspection by certiorari or otherwise, after which they shall be returned to said office.

Sec. 13. Be it further enacted, That no father or mother shall, by last will and testament, disinherit his or her child or children for any cause except for personal violence committed by such child or children on the testator or testatrix, at any time after such child or children shall have arrived at the age of sixteen years, or for the attempt of such child or children, at any time after arriving at said age to slander or defame the said testator or testatrix, by imputing to them or either of them, offences punishable by law, or ascribing to them or either of them, acts calculated to bring them or either of them into disrepute and disgrace in the community, and if any father or mother shall, by last will and testament, disinherit his or her child or children, for either of said causes, such cause shall be assigned in said last will and testament as the reason for such disinherison, and if said child or children should afterward, and within four years after said will is admitted to probate, contend for his her or their rights to the estate, by denying the existence of said cause, it shall be incumbent upon the person or persons taking said estate, to the exclusion of such child or children, to prove that such cause did exist during the life time of said testator or testatrix; otherwise, said last will and testament shall be declared void, as to such child or children, and they shall be as capable of inheriting as though no such will and testament had been made.

Sec. 14. Be it further enacted, That under the name of children are included descendants of whatever degree they be, it being understood they are only counted for the child they represent.

Sec. 15. Be it further enacted, That this act shall not be so construed as to prevent any parent from the free disposition of one fourth of his or her property, by last will and testament, or by donation in last sickness.

Sec. 16. Be it further enacted, That should any father or mother, in consequence of the idleness, dissipation or extravagance of his or her child or children, apprehend that his, her or their estate will be squandered if left to their management or control, it shall be lawful for such father or mother, by last will and testament, to leave such estate in the hands of trustees, to be appointed by said will, which trustees shall have the entire man-

agement and control of said estate, the profit of which after deducting expenses of said management, shall be paid over to the child or children entitled to the same for his, her or their maintenance and support, and it shall be lawful at any time, for the court of probate in the county where such estate may be situated or where such trustee or trustees may reside, to take cognizance of the same, and to remove such trustee or trustees from the management of the same; Provided, it shall be made to appear that such estate is wasted or improperly managed, and to appoint other trustees for the management thereof, taking bond and security from such trustees, in a sum at least equal to the value of such estate, for the faithful performance of the trust; and if the child or children entitled to such estate, or any part thereof, shall at any time make it appear to the satisfaction of said court that the causes for leaving said estate in trust no longer exist, and that there is no danger of its being squandered by idleness, dissipation or extravagance, it shall be the duty of said court to dissolve said trust, and place the said estate in the hands of the person or persons who would have been entitled to the same, had such trust not been created.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved January 28th, 1840.

MIRABEAU B. LAMAR.

AN ACT

Concerning Slaves.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That if any person shall hereafter sell to any slave, without the written consent of his or her master, mistress or overseer, any ardent spirits or intoxicating liquors, he or she so offending, shall forfeit and pay on conviction thereof, any sum not less than twenty nor more than two hundred dollars.

Sec. 2. Be it further enacted, That if any person shall buy from any slave, any cotton, corn, meat or other valuable produce or article whatever, without the written consent of his or her master, or mistress, or overseer, he or she so offending, shall

on conviction thereof, be fined in any sum not less than twenty nor more than two hundred dollars, with the value to the owner of any property so sold.

Sec. 3. Be it further enacted, That if any person shall unreasonably or cruelly treat, or otherwise abuse any slave, he or she shall be liable to be sued in any court of competent jurisdiction, and on conviction thereof shall be fined in a sum, not less than two hundred and fifty dollars nor more than two thousand dollars.

Sec. 4. Be it further enacted, That if any person or persons shall murder any slave, or so cruelly treat the same as to cause death, the same shall be felony, and punished as in other cases of murder.

Sec. 5. Be it further enacted, That it shall be the duty of the District Judges, within said Republic, to carry into effect the foregoing provisions of this act.

Sec. 6. Be it further enacted, That no slave in this Republic shall carry a gun or other deadly weapon without the written consent of his master, mistress or overseer; such arms or other weapons shall be liable to be taken by any person from any such negro, and all such property forfeited, if it does not exceed ten dollars in value; but any such property may be reclaimed by the owner on paying ten dollars to the person who may have so taken the same.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To Repeal certain Acts therein named.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, the following named acts and joint resolutions, to wit:—a "Joint Resolution, authorizing the President to receive forty thousand volunteers, approved December 22d, 1836; — a Joint Resolution, authorizing the President to draw funds for transporting arms, munitions, troops,

&c., approved November 16th, 1838;—An Act entitled an act to define the time of holding sheriff's sales, and the manner of advertising, approved January 23d, 1839;—An Act entitled an act to create a board or tribunal for the examination and auditing of claims against the government in certain cases, approved January 21st, 1839; — An Act defining dowers, approved January 26th, 1839,—and An Act for the collection of amounts due on judgments of the Supreme, District and County Courts, approved January 25th, 1839, and also An Act entitled an act to define the time of holding justices' courts, approved January 23d, 1839," be and the same are hereby repealed.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To exempt certain Lands from the payment of certain Debts therein named.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all lands acquired as headrights, by virtue of the colonization laws of Coahuila and Texas, or by virtue of laws of this Republic, by emigrants from foreign countries, on their settlement in Texas, shall be, and are hereby declared exempt from all debts and liabilities contracted by such emigrant anterior to his removal and emigration to Texas; unless such debt was contracted and made with an express reference to the prospective right to be acquired by such emigrant, and proved by written contract: Provided, That this act shall not be so construed as to exempt any lands which emigrants may have acquired by purchase, or in any other manner than by virtue of their headright.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To provide a summary remedy to enable Landlords or Lessors to obtain possession of Lands or Tenements unlawfully detained or withheld by Tenants.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That if any tenant or tenants for a term of life or lives, year or years, or other person or persons who shall be in possession of any lands, tenements or hereditaments, or any other person or persons holding such possession by form, or under or by collusion with such tenant or tenants shall unlawfully hold over any lands, tenements, or hereditaments, after the expiration of the term or time for which they may have been leased or rented, the landlord or landlords, lessor or lessors, or the person or persons to whom the remainder or reversion of such lands and tenements and hereditaments may belong, may institute suit for the recovery of the same before some justice of the peace of the county where the lands, tenements or hereditaments so unlawfully withheld are situated.

Sec. 2. Be it further enacted, That it shall be the duty of the person or persons so instituting suit to file with the justice of the peace a full and clear statement of the complaint specifying particularly the lands, tenements or other possessions so unlawfully withheld, and the names and surnames of the person or persons so withholding them, and it shall be the duty of the justice of the peace to issue a precept directed to the sheriff of said county commanding him to cause to come before said justice, a jury of six good and lawful men of said county, qualified to serve as petit jurors to inquire into and try the said complaint; which precept must designate the day and time of trial and be under the hand and seal of said justice of the peace.

Sec. 3. Be it further enacted, That it shall further be the duty of the said justice of the peace to issue a summons to the party against whom suit is instituted, requiring him to appear on a certain day, which day must be the same as the day designated in the precepts, provided for in the foregoing section, and the said summons shall be under the hand and seal of the said justice of the peace, and may be executed either by the sheriff or some constable of the county in which suit is instituted, and it shall be made returnable not more than ten days from its date nor less than five, and it shall be the duty of the officer to serve the same upon the party against whom suit is instituted, personally or by

leaving a copy thereof at his usual place of abode, five days before the day of trial, and the jury aforesaid shall not, by virtue of this act, be sworn to try the issue that may be made up between the said parties, unless such previous notice shall have been given.

Sec. 4. Be it further enacted, That on the day of trial the said party defendant may deny all the charges or grounds of complaint set forth in the plaintiff's statement, so as to make up an issue directly; or the parties may so make the issue as to bring fully and fairly the merits of the case before the jury; and said justice of the peace shall thereupon proceed to swear the jury returned to try the same, and if the said defendant does not appear at the time specified in the summons, or appearing does not plead, the said justice shall proceed in the same manner as if he had pleaded by denying the charges or grounds of complaint set forth in the plaintiff's statements.

Sec. 5. Be it further enacted, That to the said jurors, and each of them, the following oath or affirmation, shall be administered by the said justice of the peace: "You do swear (or affirm) that you will well and truly try the issue joined between A. B. and C. D., and a true verdict give according to the evidence," and when the jury shall be sworn as aforesaid the justice shall cause the statement aforesaid to be read and then call upon the plaintiff to support the same.

Sec. 6. Be it further enacted, That if the jury find in favor of the plaintiff, it shall be the duty of the said justice to record the verdict and give judgment thereon with costs, and also to issue a writ directed to the sheriff of the county, commanding him to put the plaintiff in possession of the premises so unlawfully withheld; to which shall be added a clause commanding the sheriff to levy the said costs of the goods and chattels of the defendant.

Sec. 7. Be it further enacted, That if the jury find against the plaintiff, the justice shall record the verdict and give judgment accordingly with costs, and shall issue execution directed as aforesaid, for the costs against the goods and chattels of the plaintiff.

Sec. 8. Be it further enacted, That the justice may, for good reasons assigned, postpone the trial to any time not exceeding ten days, but such postponement shall be on the payment of costs.

Sec. 9. Be it further enacted, That if the sheriff of any county shall neglect or refuse to execute or return any precept, writ or other process, directed and delivered to him by virtue of this act, he shall, for every such offence, forfeit and pay two hun-

dred dollars to the party aggrieved; to be recovered in any court having cognizance thereof.

Sec. 10. Be it further enacted, That either party may appeal from the judgment to the District Court of the same county where the suit is instituted, upon the same terms and conditions as are provided for appeals from the judgment of justices of the peace in other cases, or the party injured may prosecute any other action to which he may be entitled by the laws of this Republic.

Sec. 11. Be it further enacted, That the estate or merits of the title shall not be brought in question; and if the defendant shall fail to establish his right of possession in any suit instituted before a justice of the peace, by virtue of this act, he shall be condemned to pay to the plaintiff three times the value of the rents which may have accrued, besides being liable for all other damage resulting from the illegal detention.

Sec. 12. Be it further enacted, That the justice of the peace shall have power to issue subpoenas, for witnesses, and compel their attendance, &c., and shall possess all and every power to carry into full effect the foregoing act, and the said justice of the peace, jurors and officers shall be allowed the same fees as are provided for like services in other cases within the scope of their ordinary duties respectively.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 5th February, 1840.

MIRABEAU B. LAMAR.

AN ACT

To re-organise the several Districts, and to create the Sixth and Seventh Districts.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the sixth judicial district of the Republic of Texas shall be composed of the following counties, viz: Jefferson, Jasper, Sabine and Shelby, and the district courts for the county of Jefferson shall be holden on the third Mondays in March and September, and may continue in session two weeks; in the county of Jasper, on the first Monday after the fourth Mondays in March and

September, and may continue two weeks; in the county of Sabine, on the third Mondays after the fourth Mondays in March and September, and may continue two weeks; in the county of Shelby, on the fifth Mondays after the fourth Mondays in March and September, and may continue until the business is disposed of.

Sec. 2. Be it further enacted, That the second judicial district shall be composed of the counties of Brazoria, Fort Bend, Austin, Colorado and Matagorda, and the district courts for Matagorda county, shall be holden on the first Mondays in March and October, and may continue two weeks; in the county of Brazoria, on the third Mondays in March and October, and may continue three weeks; in the county of Fort Bend, on the second Mondays after the fourth Mondays in March and October, and may continue two weeks; in the county of Austin, on the fourth Mondays after the fourth Mondays in March and October, and may continue one week; and in the county of Colorado on the fifth Mondays after the fourth Mondays in March and October, and may continue until the business is disposed of.

Sec. 3. Be it further enacted, That the third judicial district shall be composed of the counties of Washington, Robertson, Milam, Fayette and Bastrop, and the district courts of the county of Washington, shall be holden on the first Mondays in March and October, and may continue three weeks; in the county of Robertson on the fourth Mondays in March and October, and may continue two weeks; in the country Milam, on the second Mondays after the fourth Mondays in March and October, and may continue one week; in the county of Fayette, on the third Mondays after the fourth Mondays in March and October, and may continue one week; in the county of Bastrop, on the fourth Mondays after the fourth Mondays in March and October, and may continue two weeks.

Sec. 4. Be it further enacted, That the fourth judicial district shall be composed of the same counties as heretofore fixed by law, and the courts shall be holden at the times before prescribed.

Sec. 5. Be it further enacted, That the fifth judicial district shall be composed of the counties of Houston, Nacogdoches and San Augustine, and the district courts shall be holden for the county of Houston on the third Mondays in February and August, and may continue two weeks; in the county of Nacogdoches, on the first Mondays in March and September, and may continue three weeks; and in the county of San Augustine on the fourth Mondays in March and September, and may continue until the business is disposed of.

Sec. 6. Be it further enacted, That the first judicial district shall be composed of the counties of Galveston, Liberty, Montgomery and Harris, and the district courts for the county of Galveston shall be holden on the first Mondays of March and October, and may continue three weeks; in the county of Liberty on the fourth Mondays of March and October, and may continue two weeks; in the county of Montgomery, on the fourth Mondays after the fourth Mondays of March and October, and may continue two weeks; in the county of Harris, on the sixth Mondays after the fourth Mondays in March and October, and may continue until the business is disposed of.

Sec. 7. Be it further enacted, That the seventh judicial district shall be composed of the counties of Harrison, Red River and Fannin, and the district courts for the county of Harrison shall be holden on the first Mondays of March and September, and may continue two weeks; in the county of Red River, on the fourth Mondays in March and September, and may continue four weeks; and in the county of Fannin on the fifth Mondays after the fourth Mondays in March and September, and may continue until the business is disposed of.

Sec. 8. Be it further enacted, That all process heretofore returnable and triable at the terms prescribed by law shall be triable at the terms fixed by this statute.

Sec. 9. Be it further enacted, That nothing herein contained, shall be so construed as to justify any of the district judges for absenting himself from the sessions of the Supreme Court, and it is hereby made their duty to adjourn said district courts in time to enable them to be present at said sessions of the Supreme Court on the first day of the same.

Sec. 10. Be it further enacted, That wherever application shall be made to any judge of the district court, praying for the adjudication of any case in admiralty, which has arisen within his district, it shall be his duty immediately to repair to the county seat of the county where the case has arisen, and proceed to try the same in a summary manner; Provided, such duty can be performed without interfering with the duties to be performed by the Judges in attending to the District or Supreme Court.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved January 29th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To alter the time of holding the Fall Terms of the Courts in the fourth Judicial District.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, the fall terms of the District Courts of the fourth judicial district shall commence and be holden as follows; commencing in the county of Bexar, on the second Monday in September, and may continue in session until the Friday before the first Monday in October; in the county of Gonzales on the first Monday in October, and may continue in session one week; in the county of Jackson on the second Monday in October, and may continue in session one week; in the county of Victoria, on the third Monday in October, and may continue in session one week; in the county of Refugio on the fourth Monday in October, and may continue in session one week; in the county of Goliad, on the first Monday after the fourth Monday in October, and may continue in session one week; in the county of San Patricio, on the second Monday after the fourth Monday in October, and may continue in session until the business is closed.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

Defining lawful enclosures, and for other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That every gardner, farmer or planter shall make a sufficient fence about his cleared land in cultivation, at least five feet high, and make such fence sufficiently close to prevent hogs from passing through the same, leaving a space of more than six inches in any one place for at least three feet high from the surface of the earth.

Sec. 2. Be it further enacted, That when any trespass shall have been done by any cattle, horse or hogs, on the cleared and cultivated ground of any person, it shall be lawful for such person to complain thereof to any justice of the peace for the county where such trespass shall have been done, and such justice is hereby authorised and required to cause two disinterested and impartial freeholders to be summoned, who with such justice, shall view and examine on oath, whether complainant's fence be sufficient or not, and what damages he hath sustained by such trespass and certify the same under their hands and seals, and if it shall so appear that the said fence be sufficient, then the owner of such cattle, horses or hogs shall make full satisfaction for the trespass to the party injured to be recovered before any tribunal having cognizance thereof; but if it shall appear that the said fence be deemed insufficient, then the owner of such cattle, horses or hogs shall not be liable to make satisfaction for such damages.

Sec. 3. Be it further enacted, That if any person whose fence shall be adjudged insufficient, shall, with guns, dogs or otherwise, maim, wound or kill any horses, cattle or hogs, or cause or procure the same to be done, such person so offending, shall make full satisfaction to the person injured, for all damages by such person sustained; to be recovered before any tribunal having cognizance thereof.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Prohibiting the Secretary of the Navy from removing the Navy Yard.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Secretary of the navy shall be prohibited from removing the navy yard from its present location on Galveston Island to any other place until accurate surveys of all the ports and harbors along the coast shall have been submitted to congress, and

until after a joint committee of both houses shall have examined said surveys and designated a more appropriate spot, if such shall be discovered, to which the navy yard may be removed; the report of such committee to be confirmed by congress before such change shall take place.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved January 25th, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Requiring one company of the Regular Troops to be stationed at or near Fort Houston.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the President be and he is hereby required to station one company of the regular soldiers now in service at or near Fort Houston with the least possible delay, for the protection of the frontier of Houston County, until further protection can be furnished said frontier.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 5th February, 1840.

MIRABEAU B. LAMAR.

AN ACT

To provide for the running and marking the western boundary line of the County of Travis.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That it shall be the duty of the President to cause the western boundary line of the county of Travis to be run and marked at

as early a period as practicable; in doing which, the surveyor appointed for the purpose shall first establish the northwest corner of Milam's colony, by running a line from the Colorado to the Guadalupe; which line shall leave the Colorado at a point in the same, at the distance of seventy-five thousand varas in a direct line above and from the crossing of the old San Antonio road, he shall then run a straight line, parallel with the general course of the said road, until he reaches the Guadalupe river which shall be the point from which he shall leave the Guadalupe, and run north, seventeen east at least as far as to the Colorado river; and a sufficient amount of the promissory notes of the Government be, and the same is hereby appropriated to pay the expense of running said line as above directed; Provided, the same does not exceed eight dollars per lineal mile.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To compel the Surveyors of the several Counties of this Republic to make out and return maps of their several counties.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That each and every county surveyor who shall not, within nine months from the passage of this act, make out and transmit by mail or otherwise, to the Commissioner of the General Land Office, a map of the county of which he may be surveyor, in conformity with the provisions of the land law, passed December fourteenth 1837, shall be dismissed from office, if he shall have been in office nine months, and shall be liable to be sued on his office bond, for any damage sustained by any person in consequence of such failure.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved 4th February, 1840.

MIRABEAU B. LAMAR.

AN ACT

The better to define the boundaries of Galveston County, and to attach San Luis Island to the County of Brazoria.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the southern boundary of the county of Galveston hereafter shall be as follows, to wit: Beginning at the east side of the main pass, which enters the Bay of Galveston between the Island of Galveston and San Luis; thence following the shoal nearest the Island of San Luis, to a point one mile north of San Luis Island; thence northwest till it strikes the main land, and thence as at present defined; and the territory south and west of the above line is hereby declared to be attached to the county of Brazoria.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved 16th December, 1839.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Authorizing the President to offer a reward of one thousand dollars for arrest of any person who shall flee from justice.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and he is hereby authorised to offer a reward, not exceeding one thousand dollars, for the arrest of any person who may be charged with having committed a capital crime within the Republic, and who may flee from justice.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Appropriating Land for the establishment of an Hospital.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That ten acres of land belonging to the Government, on the Aus-

tin City tract be, and the same is hereby appropriated to the corporation of the city of Austin, for the use and benefit of the establishment of an hospital, to be erected in said city.

Sec. 2. Be it further enacted, That the Commissioner of the General Land Office be required to issue a patent for the said ten acres of land to the city council, so soon as the Secretary of Treasury shall select the same, for the abovementioned purpose.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved 5th February, 1840.

MIRABEAU B. LAMAR.

AN ACT

To sectionize and sell the lands formerly reserved for and occupied by the Cherokee Indians.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all that portion of the Republic formerly reserved for and occupied by the Cherokee Indians, included in the boundaries designed in the treaty of the twenty-third day of February, 1836, between the commissioners appointed by the Provisional Government of Texas in 1835, and the chief of the Cherokees and their associate bands, embracing that portion of the country lying between the Neches and Angelina, and between the Angelina and Sabine rivers, and bounded on the south by the line run by Alexander Horton, commissioner on the part of the Republic in 1838, be sectionized and sold in the manner hereinafter provided.

Sec. 2. Be it further enacted, That there shall be a base line extended east and west from the most northern point on the southern boundary of the same; to the north of said line at the distance of eighteen miles from the same and from each other, there shall be parallel lines run throughout the said territory, to be called standard lines; there shall also be lines at six miles distance from each other, to be called township lines.

Sec. 3. Be it further enacted, That there shall be a line run through said territory as near as may be at its greatest latitude from north to south, to be called the meridian line; to the

east and west of which, at the distance of six miles and parallel to the same, there shall be range lines run so as to divide the whole of said territory into townships of six miles square and fractional townships; which townships shall be divided into thirty-six sections, each of one mile square, by running lines north and south one mile distant from each other; which section lines shall emanate from and terminate at corners made on the standard and township lines, one mile distant from each other; there shall be corners made on all the lines running north and south at the end of each mile and half miles, and the sections in each township shall be numbered from the north-east corner thereof, back and forward from one to thirty-six.

Sec. 4. Be it further enacted, That all the fractional townships, fractional sections and fractional quarter sections shall be surveyed; and in their proper places attached to the map or plot of survey of said territory, a calculation of all the fractional quarter sections shall be made out by said Surveyor-General, and placed at the foot of said map.

Sec. 5. Be it further enacted, That it shall be the duty of surveyors employed in the survey of said territory, to place posts at the corner of each and every section with the number of the section, township and range marked thereon, and the surveyor shall also mark the bearing trees with the number of the section range and township, in which said trees are situated on the side facing said corner posts; and such surveyors shall also mark the quarter sections by placing posts in the ground at a half mile distance from said corner posts on the lines between said corner posts; and all the said range, township and section lines shall be distinctly marked by blazing said lines on the trees situated on lines fore and aft, if in the timber, and a sufficient number of the trees quartering on the course of said lines, sufficiently distinct to be followed; and if said lines should run through the prairie, then said lines shall be marked by throwing up mounds on the said lines at a quarter of a mile distance from each other, of the height of two feet, and of the circumference of two feet.

Sec. 6. Be it further enacted, That there shall be elected, by the two Houses of Congress, a Surveyor-General for said territory, who shall keep his office at the land office for said territory, who shall have power to appoint as many deputy surveyors as may be necessary to complete the ranging, townshipping and sectionizing of said territory as before provided; he shall examine the returns and work of each one of the deputies; he shall, from the return of the surveys made by the deputy surveyors, make out a map of the whole territory so surveyed, and return

the same to the commissioner of the general land office; he shall, from time to time, report the progress made in the surveying and sectionizing of said territory to the commissioner of the general land office; he shall keep a record of the returns of all the work done and surveys made by the deputy surveyors; which book shall at all times be open for inspection; he shall administer the oath of office to the deputy surveyors; he shall obey all instructions, consistent with law, from the commissioner of the general land office, and see that said instructions are obeyed by his deputies; he shall before entering on the duties of his office, enter into bond with approved security, in the sum of one hundred thousand dollars, conditioned for the faithful performance of his duties, and made payable to the President of the Republic of Texas his successors in office, which bond shall be deposited in the office of the commissioner of the general land office; he shall receive as a compensation for his services the sum of two thousand five hundred dollars annually, and he shall return a copy of the map and the records of his office; and he shall assign to each deputy the work required by him to be done either in ranging, sectionizing or townshipping.

Sec. 7. Be it further enacted, That each of the deputy surveyors appointed as herein provided for, shall before entering upon the duties of his office, enter into bond, payable to the President and his successors in office, in the sum of twenty-five thousand dollars, with approved security, conditioned for the faithful performance of the duties of his office; he shall lay off the portions of said territory assigned him by the surveyor-general, in sections, ranges or townships, as the case may be, as herein before provided for; he shall obey all instructions from the surveyor-general: he shall make maps of the townships and ranges by him surveyed, and return the same, together with a certified copy of all his work, to the surveyor-general; and he shall receive as a compensation for his labor, the sum of three dollars, per money for each mile by him actually surveyed; he shall administer the oath of office to the chain-carriers, markers and others employed by him, and in conjunction with two of the chain-carriers or markers, shall sign officially all of his returns to the Surveyor General.

Sec. 8. Be it further enacted, That there shall be established at Bowles' village in said territory, a general land office for said territory, and there shall be elected by the two Houses of Congress, to be commissioned by the President, in addition to the surveyor-general, one register and one receiver of said land office, who shall keep their office at said land office, and the said

receiver shall enter into bond with approved security, in the sum of five hundred thousand dollars, payable to the President and his successors in office, conditioned for the faithful performance of the duties of his office; which said bond shall not be void on the first recovery, but may be put in suit from time to time until the whole amount is recovered. Said bond shall be deposited with the Secretary of the Treasury; and certified copies of which, attested by the Secretary of the Treasury, with the seal of the Treasury Department, shall be testimony in any court of competent jurisdiction in this Republic. Said receiver, in conjunction with the register, shall, when directed by the commissioner of the general land office, offer the land in said territory at public auction, or any part that may be directed to be sold by the commissioner of the general land office by quarter sections, and shall sell the same to the highest bidder for cash, and shall execute to the purchaser certificates of the section, township and range; Provided, That no portion of said land shall be knocked down to any purchaser at a less price than one dollar and twenty-five cents per acre. He shall receive all monies accruing from the sale of said lands, and pay them over to the Secretary of the Treasury or his order; he shall keep a book in which shall be recorded all the monies received and paid out by him, and for what particular sections or fractions of sections the said services (monies) were received; he shall report regularly to the Treasury Department the situation and amount of monies in his hands, and he shall receive one half per cent. on all the monies received by him as a compensation for his services.

Sec. 9. Be it further enacted, That the register of said land office shall assist the receiver in sale of said land; he shall keep recorded in a book to be kept for that purpose, correct copies of all the certificates issued by the register and receiver, and shall make monthly returns of the same to the commissioner of the general land office; he shall keep recorded in a book all the lands disposed of at public sale, those offered for sale, those which have not brought the minimum price, and those which have not been offered for sale; he shall receive from the Surveyor-General all the returns of the different surveys made, and record the same; and he shall keep in his office a map, exhibiting those lands which have been disposed of, and those which have not been disposed of; and in conjunction with the receiver, under the direction of the commissioner of the general land office, he shall advertise in the principal newspapers of the Republic for the space of six months, and in at least two newspapers in the United States, the time and place of the land sales, desig-

nating in said advertisements the numbers of the sections, fractions of sections, townships and ranges of the land so advertised; he shall keep a record of all the patents issued for said lands by the commissioner of the general land office; and he shall receive, as a compensation for his services, the sum of two thousand dollars annually.

Sec. 10. Be it further enacted, That it shall be the duty of the commissioner of the general land office, so soon as the said territory is surveyed as herein provided for, to order the advertisements and sale of said lands as herein provided; he shall, from time to time, furnish the Surveyor-General such instructions as will advance the interest of the Republic, not inconsistent with law. He shall receive the returns of the Surveyor-General, and register and record the same; and upon the presentation of the certificate of the register and receiver (if upon the return of the register, the certificate should correspond with said return) it shall be his duty, in conjunction with the President of the Republic, to issue a patent for the land embraced in said certificate to the grantee of said certificate; it shall be the President's duty to order the register and receiver to advertise and sell such land as he may think advisable, embraced within said territory.

Sec. 11. Be it further enacted, That if after the advertisement of said land, or any portion thereof (and) it should be offered for public sale, and not bring minimum price, that portion so offered for sale and not sold, shall be subject to entry in the following manner: the person applying to enter such vacant and unsold land shall make written application to the register of the land office, specifying in said application the number of such section, if a whole section, or the particular fraction of said section, if a fraction of a section, together with the number of the range and township, which application shall be recorded in a book to be kept for that purpose, and shall give to the applicant a certificate of such application; which certificate, when presented to the receiver by the applicant, and when the minimum price, as established by this act, is paid on the land embraced in the said certificate, the receiver shall receipt for the same, and record the certificate and receipt in a book to be kept for that purpose, and the receiver and register shall thereupon make out a certificate of the same to the commissioner of the general land office; and the register shall keep a record of all such certificates, and shall make returns to the commissioner of the general land office of all applications made, and all certificates issued: and upon the presentation of the certificate of the register and receiver (if said certificate should correspond with the return of the register) it

shall be the duty of the President and commissioner of the general land office to issue patents for the land described in said application and certificate to the said applicant, provided, no land shall be entered under the provisions of this act until sixty days after the meeting of the next annual Congress.

Sec. 12. Be it further enacted, That each and every officer, created by this act, shall take an oath for the faithful performance of the duties of their office, previous to entering upon the duties.

Sec. 13. Be it further enacted, That it shall be the duty of the receiver to pay over to the Secretary of the Treasury quarterly all moneys that may be, or may have been received by him on account of the sales or entry of lands provided for by this act.

Sec. 14. Be it further enacted, That nothing but gold and silver, the promissory notes of this Government, and any and all audited drafts against this Government shall be received in payment for lands purchased or entered, pursuant to the provisions of this act; and should any person become the purchaser of any lands sold under the provisions of this act, and fail or refuse to make payment for the same on the day on which he or she became purchaser, the lands so bid off and not paid for shall be sold on the day following; and the purchaser at the second sale of such lands shall be required to pay one fourth of the amount of purchase money, so soon as he shall become the purchaser thereof, and the remainder shall be paid during the same day; and, in the event of a failure to make payment as herein required, the one fourth part of the purchase money deposited shall be forfeited, and the lands again sold a third or fourth time as required for a second sale; and any person or persons, failing to make payment as required by this act, for any lands purchased pursuant to its provisions, shall not be allowed to bid for any lands sold during the continuance of the sales at which such failure was made.

Sec. 15. Be it further enacted, That all legal titles to land situated in said territory, previous to the first day of March, one thousand eight hundred and twenty-two shall be exempted from the provisions of this act.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 1st, 1840.

MIRABEAU B. LAMAR.

AN ACT

To fix the Naval establishment of the Republic of Texas.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the President be and he is hereby requested to have laid up in ordinary all the vessels composing our navy, including the Steam Ship Zavala, with the exception of two schooners which shall be kept in service upon the Gulf for the protection of the revenue and for other purposes; Provided, That one captain shall be retained in the naval service.

Sec. 2. Be it further enacted, That the complement of officers and men employed upon the vessels in ordinary shall be no greater than is absolutely required for their preservation.

Sec. 3. Be it further enacted, That the President be and he is hereby requested to reduce the officers and seamen of the Navy to the number requisite to carrying out the intentions of this act.

Sec. 4. Be it further enacted, That should Mexico make any hostile demonstration upon the Gulf, the President may order any number of vessels into actual service, that he may deem necessary for the public security.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, 5th February, 1840.

MIRABEAU B. LAMAR.

AN ACT

Authorizing the Treasurer of the Republic of Texas to extend the issue of Change Notes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Treasurer of the Republic of Texas be and he is hereby authorised and required to extend the issue of change notes to the sum of one hundred and fifty thousand dollars under the provisions of the joint resolution authorising the Treasurer of the Republic to issue change notes, approved December the 14th, 1837.

Sec. 2. Be it further enacted, That it shall be the duty of the Treasurer aforesaid to issue the said extended amount in notes of one, two and three dollars each, and that it shall be the duty of the Comptroller to countersign his name on the face of all change notes so issued and to register in a book to be kept for that purpose all change notes so issued with the number and amounts of each, and no change notes shall be issued, under the provisions of this act, by the Treasurer aforesaid, until the same are countersigned and registered by the Comptroller as herein provided for.

Sec. 3. Be it further enacted, That from and after the first day of June next, it shall not be lawful for any corporation to issue, re-issue or put in circulation any engraved, lithographed or printed notes, over the denomination of fifty cents, intended for circulation, and any President of a corporation, Mayor of a city, town, or other officer or officers of a corporate body who shall violate the provisions of this act shall be adjudged guilty of a misdemeanor, and on conviction thereof before any District Court shall forfeit and pay a fine not less than five hundred nor more than two thousand dollars at the discretion of said court.

Sec. 4. Be it further enacted, That the Treasurer of this Republic shall be authorised and required to employ two additional assistant clerks for the purpose of carrying into effect the provisions of the 1st and 2d sections of this act.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 5th February, 1840.

MIRABEAU B. LAMAR.

AN ACT

To enable the Surveyors of the several Counties to make out and return correct Maps of the same.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Commissioner of the General Land Office be and he is hereby required to make out and forward immediately to the surveyors of the several counties in said Republic a full and complete copy of all the field notes of all the surveys which have been re-

turned to said office of each any every survey made within any such county, previous to closing the Land offices in 1835.

Sec. 2. Be it further enacted, That hereafter when any change may take place in the boundaries of any county, it shall be the duty of the surveyor of any county, from which territory may be so taken, to furnish the surveyor of the county, including such territory, with a full and complete copy of all the field notes of surveys made in the same.

Sec. 3. Be it further enacted, That it shall be the duty of each county surveyor in this Republic to make out and keep in his office, free for the inspection of all persons, a map on which all the surveys made in his county shall be laid down and properly "connected," which map shall be corrected at the end of each month.

Sec. 4. Be it further enacted, That to carry out the provisions of this act the commissioner of the general land office is hereby authorised to employ an additional assistant clerk for the term of six months from and after the first day of February next.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved 5th February, 1840.

MIRABEAU B. LAMAR.

AN ACT

To Incorporate the Galveston Insurance Company.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That James Love, Nicholas B. Menard, Thomas F. McKinney, Amasa Turner, Hiram Close, Nathan Taylor, Simon L. Jones, William McCullough and Peter J. Menard and such present and future associates, successors and assignees, as may now or hereafter exist, be and they are hereby incorporated and created a body politic and corporate, by the name and style of the Galveston Insurance Company, with the same privileges, obligations and restrictions as are found and contained in the act of incorporation for the Brazoria Insurance Company, and the obligations of that company towards the county of Brazoria shall be held and confirmed by this act, incorporating the Galveston Company to

the use and benefit of the county of Galveston from said company as are provided in the before cited act of incorporation.

Sec. 2. Be it further enacted, That Congress shall at any time after the year 1850, have power to annul or amend this act.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To locate a Road from Washington to the Sabine River.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a road be marked out, leading from the town of Washington, in the county of Washington, to the town of Jasper, in the county of Jasper, thence eastwardly to the Sabine river.

Sec. 2. Be it further enacted, That three commissioners, one from Jasper, one from Liberty and one from Montgomery counties be appointed by their respective county courts, to mark out and establish said road.

Sec. 3. Be it further enacted, That said commissioners shall locate said road on the most direct and practicable route; that said commissioners be required to take an oath, faithfully to discharge said duties to the best of their abilities, without interest, favor or partiality.

Sec. 4. Be it further enacted, That said commissioners shall meet at the town of Washington, and proceed to complete said labor as speedily as possible, for which they shall be paid by the respective counties through which said road shall pass.

Sec. 5. Be it further enacted, That the different counties through which said road may run, be required to open and cut said road thirty feet wide.

Sec. 6. Be it further enacted, That so much of an act entitled an act "organizing justice's courts, and defining the powers and jurisdiction of the same, and also creating and defining the office and powers of commissioners of road and revenue," be

in force as shall be necessary to carry into effect the intent of this act.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved December 14th, 1839.

MIRABEAU B. LAMAR.

AN ACT

Better to define the Boundaries of the County of Fannin.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That hereafter the boundaries of the county of Fannin shall be as follows: Beginning at the mouth of Bois d' Arc creek on Red River; thence up said creek with the meanders thereof to the crossing at the residence of Carter T. Cliff; thence south so far as to make sixty miles from the place of beginning on a straight line; thence west to a point south of the head of the upper Washita; thence north to Red River, and down the same with the meanders thereof, to the place of beginning; Provided however, that no surveying which may have heretofore been made within the limits herein mentioned by the legally authorised surveyors of any county bordering on the same, shall be made void by the passage of this act.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved November 28th, 1839.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Defining the rank of the Paymaster General.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Paymaster-General shall have the rank, pay and emol-

uments of Colonel of Cavalry the same as the heads of the other Military Bureaus.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 3d, 1840.

MIRABEAU B. LAMAR.

AN ACT

To establish a Mail Route to Bexar.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That a mail route be and the same is hereby established between the city of Austin and that of San Antonio by the way of Gonzales and Seguin on the Guadalupe river in the county of Gonzales.

Sec. 2. Be it further enacted, That the Post Master General be authorised and required to have a mail carried and returned on the above mentioned route once a week commencing as soon as possible.

Sec. 3. Be it further enacted, That the Acting Postmaster General, be and he is hereby authorised and required to make up a mail for the town of Victoria on the same day, which mail shall be forwarded to Victoria from Gonzales, and cause the latter place to be the distributing office for the offices to Victoria and San Antonio.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved January 1st, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Repealing certain Mail Routes therein named.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the several acts establishing the mail routes from the Ne-

ches to Tenoxtitlan, the mail route from Houston to Stubblefields, and the route from Houston to San Augustine, be and the same are hereby repealed.

Sec. 2. Be it further resolved, That there be and is hereby established a weekly mail route from "Swartwout" to San Augustine with convenient post offices thereon; and it is hereby made the duty of the Postmaster General to contract for carrying the mail over said route as soon as practicable.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved January 25th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To create the Office of Chargé d'Affairs, and to regulate our diplomatic intercourse with Foreign Nations.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the President of the Republic, by and with the advice and consent of the Senate, may appoint officers of the rank of Chargé d'Affairs to represent the Republic at the courts of such Foreign Governments as may have recognized or shall hereafter recognize our National Independence and indicated a disposition to establish diplomatic relations with the Government of Texas.

Sec. 2. Be it further enacted, That in all cases, where ministers of the rank of Chargé d'Affairs are sent from Foreign Governments to the Government of Texas, the President shall not, in that case, be empowered to reciprocate with a minister of a higher grade than that of Chargé d'Affairs, unless by a previous arrangement with any Foreign Governments so represented, a mutual agreement shall be made to change the grade of representation to that of Minister Plenipotentiary, in which case the President shall be authorised, by and with the advice and consent of the Senate, to appoint a minister for that purpose.

Sec. 3. Be it further enacted, That the President by and with the advice and consent of the Senate, may, if in his opinion the same should be necessary, appoint a Secretary of Legation to each Foreign Government with which full diplomatic relations are or

may hereafter be established, who in case of the death, resignation or absence on leave, of the Minister or Chargé d'Affairs from the court to which he is accredited, shall act as Chargé d'Affairs during the time, such vacancy or absence of the Minister or Chargé d'Affairs shall continue. .

Sec. 4. Be it further enacted, That the salary of Chargé d'Affairs shall be five thousand dollars per annum; and the salary of Secretary of Legation shall be two thousand dollars per annum, and five hundred dollars shall be annually allowed for the contingent expenses of each Legation; which amounts shall be paid in gold and silver, and the said Chargé d'Affairs shall be allowed an outfit of two thousand dollars.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, 25th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

Authorising the President to have Surveyed a Reserve of Land
for the Coshattee and Alabama Indians.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the President be and he is hereby authorised and required, at as early a period as practicable, to have surveyed two leagues of land, including the village of the Coshattee Indians, also two other leagues of land including the fenced in village of the Alabama tribe of Indians for the entire and exclusive use and benefit of said tribes of Indians until otherwise provided for by law.

Sec. 2. Be it further enacted, That the surveys of land made for the Indians aforesaid, shall be made conformable to the surveys next adjoining, that is to say, if the surveys next to those to be made for the Indians aforesaid, front one and a-half miles on the river, or are square surveys, the surveys to be made for the Indians shall be made in like manner; Provided always, That the improvements of said Indians shall be as near in the center of the two leagues to be appropriated to the use of each tribe, calculating from the side lines, as practicable.

Sec. 3. Be it further enacted, That the President be and he is hereby authorised and required to have surveyed on the va-

cant lands of this Republic, thirty miles square, at some proper point on the frontier, on which all the friendly Indians, within this Republic, shall be placed as soon as circumstances will permit.

Sec. 4. Be it further enacted, That the Government shall at all times, exercise exclusive jurisdiction over the soil included in the surveys contemplated by this act, and also criminal jurisdiction over the aforesaid tribes of Indians.

Sec. 5. Be it further enacted, That the President be and he is hereby authorised and required to appoint an Indian Agent for the Coshatee and Alabama tribes of Indians with such instructions and powers as may be necessary to accomplish the object contemplated by this act; and that the sum of two thousand dollars in promissory notes be and the same is hereby appropriated to carry the same into effect.

Sec. 6. Be it further enacted, That whenever it shall be deemed expedient to remove said tribes of Indians, and they are actually removed off of said reserved lands, the same shall be held subject to the future disposition of Congress.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 14th January, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Granting to the President power to appoint additional Council if necessary.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the President be and he is hereby authorised and required to employ, one or more additional council to assist the Attorney General in the management and argument of the case now pending in the Supreme Court set for trial on Friday, the 17th inst., wherein the board of land commissioners for the county of Nacogdoches are appellants and James Reily assignee is appellee.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 16th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

Designating the Returning Officer of the Senatorial District of Milam and Robertson Counties.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, that the Chief Justice of the county of Robertson shall be the returning officer of the Senatorial District of Milam and Robertson counties, and it is hereby made the duty of the Chief Justice of Milam county to make the necessary returns of all elections for Senator, for the District of Milam and Robertson to the Chief Justice of Robertson county, and that he give a corresponding certificate of election to the member elect.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 13th December, 1839.

MIRABEAU B. LAMAR.

AN ACT

To repeal An Act therein named and for other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the act to appoint commissioners to take charge of the property of those engaged in the late rebellion in the county of Nacogdoches, and for other purposes approved 26th January, 1839, be and the same is hereby repealed.

Sec. 2. Be it further enacted, That the commissioners appointed, under and by virtue of said act, are hereby required to render to the county court of the county of Nacogdoches an account of their proceedings and doings and to settle with the same; and should the said court not approve of the correctness of the proceedings of the said commissioners, it shall be the duty of the District Attorney of that district to institute a suit against the said commissioners and their securities on the bonds given for the faithful performance of their duties.

Sec. 3. Be it further enacted, That should any property be confiscated by due course of law, it shall be the duty of the

said county court to have the same sold on the same terms and conditions as provided for in said act, and the proceeds thereof forwarded to the Secretary of the Treasury.

Sec. 4. Be it further enacted, That should said county court be satisfied with the correctness of the proceedings of said commissioners, they shall give them a certificate to that effect.

Sec. 5. Be it further enacted, That should the commissioners have any property on hand belonging to rebellious Mexicans, it shall be disposed of in accordance with instructions from the Secretary of War.

Sec. 6. Be it further enacted, That this law shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To authorise Varlan Richeson to construct a Bridge across the Guadalupe River, at or near Victoria.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That Varlan Richeson be and he is hereby authorised to construct a bridge across the Guadalupe river, at or near the town of Victoria, in the county of Victoria, suitable for the passage of wagons, carriages, horses, &c.; and after the completion of the same he shall be entitled to demand and receive the following rates of toll, viz: for each road wagon, one dollar; for all light four wheeled carriages, one dollar; for each two wheeled carriage, one dollar; for each man and horse, twenty-five cents; for each footman, twelve and a-half cents; for each single horse or mule, twelve and a-half cents; for each animal of the cow kind, six cents; for each animal of the smaller kind, three cents each.

Sec. 2. Be it further enacted, That the above rates of toll shall be estimated in the promissory notes of the Government.

Sec. 3. Be it further enacted, That this charter is granted upon the condition that the said bridge shall be commenced in six months from the passage of this act, and shall be completed in two years from the same time.

Sec. 4. Be it further enacted, That no person shall be permitted to construct any other bridge, or to keep a boat for the transportation of passengers for toll, for three miles above or below the bridge after the same may be completed, unless authorised by congress.

Sec. 5. Be it further enacted, That this privilege granted to the said Richeson, shall extend to the term of fifteen years from the completion of the bridge; provided that before he be permitted to receive toll, he shall enter into bond with approved security, to the chief justice of the county court, and his successors in office, conditioned that at the end of fifteen years he will have the bridge in good order and repair, and surrender the same for the use and benefit of the county of Victoria.

Sec. 6. Be it further enacted, That the said Richeson shall also be bound after completing the bridge, to keep the same in good condition for and during the period aforesaid, and shall be liable for all damages resulting to any person from a violation of this section.

Sec. 7. Be it further enacted, That in the construction of the bridge, the navigation of the river shall not be obstructed, and the mails, munitions, of war, soldiers, expresses, or any public property, shall be permitted to pass free of charge.

Sec. 8. Be it further enacted, That Matthew Hopkins and his associates be, and they are hereby authorised to construct a bridge across the inlet between the peninsula and San Luis Island, upon the same terms as provided by this act, except that they shall not be compelled to keep a passway for boats, and that at the end of fifteen years from the completion of the bridge, the same shall be rendered to the county of Brazoria, for the use and benefit of the same.

Sec. 9. Be it further enacted, That Congress may at any time after five years from the completion of the bridges, reduce the toll if found to be too high.

Sec. 10. Be it further enacted, That after the end of five years from the completion of the bridge across the Guadalupe, the said Varlan Richeson shall pay to the Treasurer of the county of Victoria, or to such person as may be then authorised to receive county dues, the sum of three hundred dollars per annum, which shall be paid semi-annually.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved 18th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

Naming the Returning Officer for the Senatorial District composed of the Counties of Red River and Fannin.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, the Chief Justice of the county of Red River shall be the returning officer for the Senatorial District composed of the counties of Red River and Fannin.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved 28th December, 1839.

MIRABEAU B. LAMAR.

AN ACT

Defining the compensation of Collectors and other Officers of the customs, and of the Clerks employed at the several Custom Houses.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the first day of January, A. D., one thousand eight hundred and forty, the collectors of the customs for the several collectorial districts in this Republic shall receive as compensation for their services, commissions at the rate of two and a-half per cent. on the first twenty thousand dollars collected during each quarter of the year, and on all sums over twenty thousand dollars during the same period one half of one per cent.

Sec. 2. Be it further enacted, That in case the revenue collected during any quarter, at any custom house, shall not amount to twenty thousand dollars, the collector of the district shall receive out of the revenue by him collected, such further sum as, together with the commissions, will amount to the minimum salary of five hundred dollars per quarter.

Sec. 3. Be it further enacted, That the deputy collector and chief clerk of the port of Galveston, shall receive each a salary of two thousand dollars per annum, and at each of the oth-

er ports or custom houses where such officer or clerk may be necessary, a salary each of one thousand eight hundred dollars per annum.

Sec. 4. Be it further enacted, That a second class of clerks may be employed, who shall receive each, one thousand six hundred dollars per annum, and a third class, one thousand four hundred dollars per annum; provided the number of clerks of the second class, shall not exceed four at the port of Galveston, and two at any other port or custom house of the Republic; all of which deputy collectors and clerks shall be paid by the collectors quarterly, out of the revenue collected in their respective districts.

Sec. 5. Be it further enacted, That deputy collectors shall only be employed in such districts as may be designated for that purpose by the Secretary of the Treasury, who will also from time to time, limit the number of clerks to be employed at the several custom houses.

Sec. 6. Be it further enacted, That the Secretary of the Treasury be and he is hereby authorised to allow to all collectors of customs for services rendered during the years A. D. one thousand eight hundred and thirty-eight, and one thousand eight hundred and thirty-nine, whose commissions under former laws amount to less than two thousand dollars per annum, the additional compensation provided in this act.

Sec. 7. Be it further enacted, That the Secretary of the Treasury shall, through instructions to the several collectors prescribe the compensation of such subordinate officers of the customs as are not provided for in this act. This act shall be in force from and after its passage, any thing in the laws or customs of the country to the contrary notwithstanding.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved January 16th, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

For the Survey and Sale of the Austin Town Tract.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That it shall be the duty of the Secretary of the Treasury to cause

to be surveyed the remaining portion of the tract of land belonging to the government, and adjoining the city of Austin, in lots varying from five to forty acres each, and cause to be laid out such roads and alleys as may be deemed necessary upon a plan to be approved by the President.

Sec. 2. Be it further resolved, That the Secretary of the Treasury shall have three platts of said survey made, one of which shall be placed at the capital, one at the general land office, and one at the office of Secretary of the Treasury, and that he shall after giving one months notice in the public newspapers printed at the seat of government, and immediate notice in all the other newspapers printed in the Republic, of the day of sale of said lots, which he shall proceed to offer and sell the same at public auction, to the highest bidder, and should the Secretary of the Treasury deem it advisable, he may cause to be sold one third at the time fixed on only, and then suspend the sale and fix upon a future day for the sale of the balance, and give immediate public notice thereof in the various newspapers printed in this Republic.

Sec. 3. Be it further resolved, That the Secretary of the Treasury may cause to be sold the balance of the town lots already surveyed and laid off in the city of Austin, as heretofore authorised by law.

Sec. 4. Be it further resolved, That the Secretary of the Treasury may allow to an auctioneer, and deduct from the amount received as first payment, not exceeding one per centum upon the amount so received at the first payment for all said lots so sold.

Sec. 5. Be it further resolved, That the terms and time of payments for the said lots, sold as aforesaid, shall be the same as those heretofore required for lots sold in the city of Austin.

Sec. 6. Be it further resolved, That all persons aliens not accepted, shall be allowed to purchase and hold said lots, and the President of the Republic is hereby authorised to issue patents to the purchasers upon final payment of the purchase money.

Sec. 7. Be it further resolved, That it shall be the duty of the Secretary of the Treasury to reserve in the plan fixed on, four hundred acres for such public purposes as Congress may hereafter direct.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 5th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

To organize a certain part of the County of Liberty for judicial and other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all that portion of territory of the present county of Liberty within the following limits, to-wit:—commencing on the east side of the Trinity river, at the mouth of Menard's Creek; thence, east, eighteen miles; thence, in a northerly direction, to the forks of the road leading to Lewis and Betts' ferries; thence, northerly to the county of Houston; thence, westwardly, along the line of Houston county to the Trinity River; thence, westwardly to the eastern boundary of Montgomery county; thence south, along the line of Montgomery county to a point opposite the place of beginning; thence, due east to the place of beginning, shall be styled the northern division of Liberty county; and the inhabitants residing in said division shall continue to vote as they have heretofore done for representatives of said county, and senators for the present senatorial district, until otherwise provided for by law.

Sec. 2. Be it further enacted, That Courts in the said division shall be organized, and all officers for the same appointed by and in accordance with the laws now in force, or which may be in force for organizing the courts, and appointing said officers in the several counties of this Republic, except of sheriff and coroner; and it is hereby made the duty of the sheriff of the county of Liberty forthwith, after the passage of this act, to appoint a deputy-sheriff, whose duty it shall be to reside at the seat of justice of said division, and perform the duties of sheriff.

Sec. 3. Be it further enacted, That the said division shall be included in the first judicial district; and the district courts of said division shall be holden on the fourth Mondays in February and August, and may continue one week; and the inferior courts on the second Mondays of February, May, August and November in each year; and the chief justice of said division, after being qualified for the discharge of the duties of his office, shall forthwith order an election for all officers which are elected in each county of this Republic, (excepting Representatives) to be holden according to the laws regulating such elections; and the first inferior court shall be holden at the first regular term after the organizing of said court.

Sec. 4. Be it further enacted, That James Garner, Moses L. Choate, J. D. Burke, Frederick Rankin, and ——— Hainsworth be, and are hereby appointed commissioners, with power and authority—any three of them concurring, to select two or more sites within said division to be proposed to the people at the first election ordered for the election of the justice of the peace, and the place receiving the greatest number of legal votes shall be the site at which the district and inferior courts shall be holden in and for said division. The commissioners aforesaid shall obtain, upon the faith and credit of said district, or receiving by donation at the point so selected by the people, such a quantity of land as will be sufficient for the erection of public buildings, and defraying such other and necessary expenses as the interest of said division may require; and the land so purchased, or donated, shall be under the control of the board of commissioners of said division.

Sec. 5. Be it further enacted, That all suits which have been commenced in Liberty county by or against any of the inhabitants of said division, shall continue and be determined in the courts of said county wherein the same were instituted and begun, unless removed to the supreme court.

Sec. 6. Be it further enacted, That all laws organizing the several counties of this Republic, and administration of justice therein, and all the rights and privileges had and enjoyed by the inhabitants of the said counties, or which may hereafter be enacted, had and enjoyed, shall be in force, had and enjoyed in said division by the inhabitants of the same: provided, that said division shall not be allowed a representative to the Congress of this Republic; but the inhabitants thereof shall have the right and privilege of voting for representatives and senators as heretofore.

Sec. 7. Be it further enacted, That this act shall go into operation from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved 5th February, 1840.

MIRABEAU B. LAMAR.

AN ACT

Making appropriations for the support of Government for the year 1840.

Sec. 1 Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the following sums be, and the same are hereby appropriated for the service of the year one thousand eight hundred and forty;— for compensation to the President of the Republic of Texas, ten thousand dollars; for compensation to the Vice-President of the Republic of Texas, three thousand dollars; for compensation to the Secretary of State, three thousand five hundred dollars; for compensation to the Secretary of the Treasury, three thousand five hundred dollars: for compensation to the Secretary of War, three thousand five hundred dollars; for compensation to the Secretary of the Navy, three thousand five hundred dollars; for compensation to the Attorney General three thousand dollars; for compensation to the Postmaster General, three thousand dollars; for compensation to the Treasurer, two thousand five hundred dollars; for compensation to the First Auditor, two thousand five hundred dollars; for compensation to the Second Auditor, two thousand five hundred dollars; for compensation to the Comptroller of the Treasury, two thousand five hundred dollars; for compensation to the Commissioner General of the Land Office, three thousand dollars; for compensation to the Stock Commissioner, two thousand five hundred dollars; for compensation to the clerks in the State Department, seven thousand seven hundred dollars; for compensation to the Chief Clerk of the State Department, as Head of the Patent Office, under act of 28th January, 1839, five hundred dollars: for compensation to the clerks in the office of the Secretary of the Treasury, and the Bureaus of that Department, forty-one thousand one hundred dollars; for contingent expenses of the Treasury Department, one thousand nine hundred dollars; for contingent fund payment of special agents to enquire into the condition of custom-houses and revenue officers, three thousand dollars; for the procurement of six iron chests, (fire-proof safes) four for the offices and bureaus of the Treasury Department, one for the Commissary General's Department, and one for the Paymaster General's Department—including expenses of freight and transportation, two thousand one hundred dollars in par funds; for the procurement of engraved notes for stock certificates, one thousand dollars; for compensation to the Commissioner of the Revenue, two thousand five hun-

dred dollars; for completing and fitting the public offices under the direction of the Secretary of State, five thousand dollars; for contingent expenses in the Bureaus of the Treasury Department; —Treasurer's Office, eight hundred dollars; First Auditor, eight hundred dollars; Second Auditor, eight hundred dollars; Comptroller's Office, stationary, one thousand dollars; — contingent, five hundred dollars; Stock Commissioners' Office, five hundred dollars; Commissioner of Revenue Office—books and stationary, one thousand dollars—in all, five thousand four hundred dollars. For the contingent expenses of the State Department, including the expenses of printing and publishing the laws, eleven thousand dollars; for compensation to Foreign Ministers, Charge d'Affaires, Agents, Secretaries of Legation, &c., thirty thousand dollars; for compensation to superintendent of offices and three porters, four thousand dollars; for compensation to the clerks in the office of the Secretary of War, six thousand nine hundred dollars; for contingent expenses of the War Department, proper, two thousand five hundred dollars; for compensation to the clerks in the Ordinance Department, two thousand five hundred dollars; for contingent expenses—stationery, printing, fuel, &c., of the Ordinance Department, two thousand and ninety dollars; for compensation to the clerks in Quartermaster-General's Department, two thousand five hundred dollars; for contingent expenses — stationery, printing, fuel, &c., in the Quarter-Master General's Department, and additional clerk-hire, three thousand nine hundred and seventy dollars; for compensation to the clerks in the Commissary's Department, two thousand five hundred dollars; for contingent expenses — fuel, stationery, &c., in the Commissary's Department, and for books and additional clerk-hire, three thousand four hundred and twenty dollars; for compensation to the clerks in the Adjutant General's Department, two thousand five hundred dollars; for contingent expenses — stationery, printing, fuel, &c., in the Adjutant General's Department, one thousand four hundred and eighty-five dollars; for compensation to clerks in the Paymaster's Department, two thousand five hundred dollars; for contingent expenses—fuel, stationery, printing, &c., in that Department, eight hundred and fifty-six dollars; for compensation to the clerks of the Navy Department, four thousand seven hundred dollars; for contingent expenses of the Navy Department, one thousand four hundred dollars; for compensation to the clerks in the office of the Post-Master General, four thousand seven hundred dollars; for contingent expenses of the Postmaster General's Department, one thousand four hundred dollars; for transportation of the mails under the orders and di-

rection of the Postmaster General, for the year 1840, one hundred thousand dollars; for compensation of clerks in the office of the General Land Commissioner, twelve thousand dollars; for contingent expenses of the office of the General Land Commissioner, including translation of documents and extra clerk hire, four thousand seven hundred dollars; for compensation to the Private Secretary of the President, two thousand five hundred dollars; for contingent expenses of the office of the President and his Private Secretary—stationery, lights and fuel, nine hundred and fifty dollars; for contingent expenses of the office of the Attorney General—for stationery, fuel and lights, five hundred dollars; for payment of interest on bonds given for the purchase of vessels for the Navy, including interest already due, ninety-six thousand dollars, par funds; for payment of interest on bonds given for the purchase of the steamer Zavala, including interest already due, twenty-seven thousand dollars par funds; for the payment of interest on the funded debt, ninety-two thousand dollars; for compensation to forty members of Congress, one hundred and twenty days at five dollars per day, with two dollars per day additional to the speaker of the House of Representatives, twenty-four thousand two hundred and forty dollars; for mileage allowed to forty members of Congress, at the rate of five dollars for every twenty-five miles, average estimate, six thousand dollars; for compensation to clerks, reporter, chaplain, sergeant-at-arms, and door-keeper, five thousand seven hundred dollars; for contingent expenses and printing, five thousand dollars; for compensation of fourteen senators, one hundred and twenty days at five dollars per day, eight thousand four hundred dollars; for mileage allowed to fourteen senators, at the rate of five dollars for every twenty-five miles, two thousand one hundred dollars; for compensation to the Secretary of the Senate, clerks, reporter chaplain, sergeant-at-arms, door-keeper and interpreter, seven thousand seven hundred and ten dollars; for contingent expenses and printing, four thousand dollars; for compensation to the Chief Justice of the Supreme Courts, five thousand dollars; for compensation to seven district judges, each three thousand dollars, twenty-one thousand dollars; for contingent expenses, fees allowed to district attorneys by law, in certain cases, fifteen thousand dollars; sheriff's fees—keeping prisoners, fifteen thousand dollars; translating and printing Spanish laws, ten thousand dollars; assessors and collectors of taxes, fifteen thousand dollars; running county lines, five thousand dollars; making county maps, eight thousand dollars; survey of land scrip, five thousand dollars—in all seventy-three thousand dollars. For expenses removing the Shawnee

Indians, fifteen thousand dollars; for compensation to Indian Agents of the Coshattée and Alabama Indians, including back pay, and for the present year, eighteen hundred dollars; for payment to Messrs. Graham, Disna and Ludlow, one thousand nine hundred dollars, *par funds*; for payment of claims to Vandever, Burleson, and others, for site of seat of government, twenty-five thousand nine hundred and fifty-nine dollars; for contingent executive fund, ten thousand dollars; for pay to officers and servants of the general staff, twenty-three thousand three hundred and thirty-six dollars; for subsistence of officers and servants of the general staff, six thousand seven hundred and fifty-one dollars; for forage for officers, six thousand six hundred and fifty-six dollars; for clothing for servants of officers of the general staff, seven hundred and eighty dollars; for pay to officers and men of the first regiment of infantry, one hundred and seventy-eight thousand and fifty-six dollars; for subsistence of officers and men of the first regiment of infantry, seventeen thousand nine hundred and fifty-two dollars; for forage for officers of first regiment of infantry, eleven hundred and fifty-two dollars; for clothing for servants of officers of first regiment of infantry, one thousand five hundred and thirty dollars; for pay to officers and privates of the first regiment of cavalry, thirty-six thousand seven hundred and seventy-two dollars; for subsistence of officers and servants of the first regiment of cavalry, fifteen thousand three hundred and thirty dollars; for forage for officers of the first regiment of cavalry, four thousand two hundred and thirty-two dollars; for clothing for servants of officers of first regiment of cavalry, five hundred and seventy dollars; for contingent fund, double or extra rations to officers commanding departments, posts, &c., three thousand six hundred dollars; for miscellaneous payments to non-commissioned officers, &c., over the pay allowed as privates, nine thousand nine hundred and thirty-two dollars; for pay, subsistence, forage for officers, and clothing for servants for three additional companies of cavalry, twenty-six thousand five hundred and thirty-eight dollars; for pay for officers and servants, subsistence and clothing and forage for servants for one additional company of infantry, thirteen thousand four hundred and eighty-two dollars; for the contingent expenses of the recruiting service for seven hundred and eighty-four men, thirty-five thousand two hundred and eighty dollars; for the contingent expense—being bounty of thirty dollars per man for seven hundred and eighty-four men, twenty-two thousand five hundred and twenty dollars; for the liquidation of monies remaining due on account of the campaign of General T. J.

Rusk, and others, fifty thousand dollars; for contingent expenses — medicines, instruments, &c. &c., in the Surgeon-General's Department, two thousand five hundred dollars; for the contingent expenses for the office of Surgeon-General—stationery, fuel, lights, &c., five hundred dollars. For expenses in the Quartermaster-General's Department—fuel, twenty-five thousand dollars; forage, forty-six thousand five hundred and twenty dollars; stationery, two thousand dollars; transportation of army, twenty thousand dollars; do., officers' baggage, five thousand dollars; do., for subsistence, twenty-five thousand dollars; do., of ordnance and ordnance stores, ten thousand dollars; do., clothing, &c., ten thousand dollars—one hundred and forty-three thousand five hundred and twenty dollars. For contingent expenses to the Quartermaster General's department — comprising rent of quarters, stores, rooms, &c., &c., ten thousand dollars; forage and subsistence for detached parties, three thousand dollars; pay of express riders, two thousand dollars; extra labor, two thousand dollars; printing, one thousand dollars; apprehending deserters, three thousand dollars; shoeing horses, five thousand dollars; repairing wagons, &c., five thousand dollars — thirty-one thousand dollars. For clothing, knapsacks, haversacks, &c., for four hundred and ninety-four men, sixty thousand four hundred and seventy dollars and fifty-four cents; for camp and garrison equipage, eight thousand one hundred and twenty-seven dollars; for cavalry equipments for seven companies, three hundred and ninety-two men, thirty-thousand three hundred and eighty-two dollars; for horses for twelve companies, sixty-seven thousand two hundred dollars; for one hundred mules for twenty-five wagons, ten thousand dollars; for freight and insurance on clothing, camp and garrison equipage, to Galveston, five thousand dollars. For subsistence of the army: — pork or bacon, twenty-four thousand six hundred and thirty-seven dollars and fifty cents; beef, sixty-five thousand seven hundred dollars; flour, six thousand and ninety dollars; corn meal, sixty-nine thousand two hundred and fifty-five dollars; soap, six thousand and forty-four dollars and twenty-five cents; salt, eight hundred and fifty dollars and fifty cents; vinegar, seven thousand five hundred and fifty-five dollars; peas or beans, three thousand seven hundred and eighty dollars; rice, five thousand six hundred and sixty-six dollars and sixty-two cents; coffee, nine thousand and sixty-six dollars; sugar, fourteen thousand five hundred and five dollars sixty cents—two hundred and thirteen thousand one hundred and fifty dollars and forty-seven cents. For compensation to officers, seamen and marines belonging to the navy, fifty thousand dollars; for

provisions for the navy, five thousand dollars; for stores in the master's, boatswain's, gunner's, carpenter's and sail-maker's departments, five thousand dollars; for freight of stores, provisions, clothing, and for medicines, instruments, fuel and stationery, and contingent expenses at the navy yard, two thousand five hundred dollars; for building a store-house at the navy yard; five thousand dollars; for contingent payments of purchases remaining unpaid seven thousand five hundred dollars.

Sec. 2. Be it further enacted, That the several sums herein enumerated be, and the same are specially appropriated for the service of the Government for the year one thousand eight hundred and forty.

Sec. 3. Be it further enacted, That the Secretary of the Treasury be required to cancel and balance the unexpended balances of all appropriations that were made previous to the meeting of the present Congress, excepting such amounts as have been ordered to be paid from any of said appropriations by this Congress.

Sec. 4. Be it further enacted, That nothing in this act shall be construed as to authorize the raising and equipping, paying, or substituting any regiment or corps of cavalry authorised to be raised by any former act of Congress.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 3d, 1840.

MIRABEAU B. LAMAR.

AN ACT

To incorporate the City of Austin.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the citizens of Austin in the county of Bastrop, be and they are hereby declared a body politic and corporate, by the name and title of the "City of Austin;" and by that name may sue and be sued, implead and be impleaded, in all courts, and in all actions and matters whatsoever; and by the same name may purchase, hold and dispose of any estate, real or personal, within the limits of the city, for the use of the corporation; and may have a common seal, which they may alter and change at their pleasure.

Sec. 2. Be it further enacted, That the limits of the city of Austin shall be the same as the site selected by the commissioners appointed under the act of Congress dated January 14th, 1839, for locating the permanent Seat of Government, being bounded by the lines of the six hundred and forty acres now run off into town lots.

Sec. 3. Be it further enacted, That there shall be the following officers for the said city:—one Mayor and eight Aldermen, who shall constitute the City Council; one Recorder, one treasurer, one city Marshal, and as many subordinate officers, not herein mentioned, for preserving the peace and well-ordering the affairs of the city, as the mayor and city council shall direct.

Sec. 4. Be it further enacted, That the Mayor, Aldermen, Recorder, Treasurer, and city Marshal, and all subordinate officers that may be appointed by virtue of this act, before they enter upon the duties of their said offices respectively, shall take and subscribe an oath to perform the duties thereof to the best of their knowledge and ability; which oath may be taken by the Mayor before any justice of the peace within the county, and by each of the other officers, before the Mayor.

Sec. 5. Be it further enacted, That whenever the Mayor and City Council shall deem it necessary to suppress riots and disturbances, or to protect the persons or property of the citizens, when they may be threatened with danger from any source, they shall have the power to call out the citizens, to appoint a place of rendezvous, and to organize a patrol or city guard, to be continued as long as in their discretion, circumstances may require; and if any citizen, after having been notified by the city Marshal or any subordinate officer, to attend at the place of rendezvous, or to act as a member of the city guard, shall fail so to do, without good and sufficient cause shown, he shall be fined in a sum not less than ten, nor more than fifty dollars.

Sec. 6. Be it further enacted, That the Mayor and Council shall have full power to make and pass such by-laws and ordinances as they shall deem necessary to maintain the cleanliness and salubrity of said city; to secure the safety and convenience of passing in the streets and squares, ways and alleys, and other public roads; to fix the squaring, and to prevent any encroachments, or other undertakings, on the same; to determine the completions and dimensions, the maintainance and repair of pavements in the said streets and ways, at the cost of the proprietor of houses, lands, or neighboring lots; to regulate the wharves and levees or landing places along the banks of the River: Provided however, That this act shall not be construed to give the Mayor

and Council any power or authority to alter, occupy, or change, in any manner the ways, squares, streets, roads or alleys, as laid down and surveyed according to the plan of the city, made under the superintendence of Edwin Waller, agent of Government; nor to interfere in any way with the roads, streets, squares or lots, which may be laid off within the precincts of the site selected by the commissioners appointed to locate the seat of government.

Sec. 7. Be it further enacted, That the Mayor and Council shall have full power and authority to erect a hospital for the reception of the sick, and to appoint a physician to attend the same; to provide for the maintainance of indigent citizens, unable to support themselves; to establish and regulate such common schools as they may erect; to borrow money for the use of the corporation; to organise and regulate a fire department, for the purpose of extinguishing and preventing conflagrations; to determine in what parts of the city wooden chimneys shall not be allowed to be erected; to prevent gun-powder being stored within the city and suburbs in such quantities as to endanger the public safety; to establish an active system of inspection over the conduct of slaves; to provide for lighting streets; to permit or forbid theatres, shows or other public amusements—play houses, or places for shows or exhibitions, to be closed whenever the preservation of order, tranquillity or the public safety shall require it; to establish one or more market places; to determine the mode of inspection of all comestables sold publicly in the market, or in other places; to regulate every thing relative to bakers, butchers, tavern-keepers or of grog-shops, and other persons keeping public houses, draymen, horse-drivers, water-carriers, and slaves employed as day-laborers; fix the salary of said draymen, horse-drivers, water-carriers, and day-laborers; and to make other regulations which may contribute to the better administration of the affairs of such corporation, as well as for the maintenance of the public tranquillity and safety of the said city: Provided, That the Mayor and City Council shall not have the power of fixing the price of any article sold in the market or other places; also, that no by-laws, or regulations, or ordinances, which may have been made by said Mayor or City Council, shall have any force or effect, when contrary to the constitution and laws of the Republic.

Sec. 8. Be it further enacted, That it shall be the duty of the Recorder and Mayor to hold a Recorder's Court; and they, or either of them, shall have the full jurisdiction, civil and criminal, within the county, of an ordinary justice of the peace, and shall be entitled to the same fees; and they shall also, try all of-

fences that may be committed against the city ordinances, and inflict fines for breaches of the same—said fines to enure to the benefit of the city; and in case any person shall refuse or neglect to pay any fine levied by the Recorder or Mayor, they may issue execution therefor, directed to the proper officer, and returnable forthwith.

Sec. 9. Be it further enacted, That the President shall be, and is hereby authorized to give each of the officers above mentioned a commission of justice of the peace, for and during the time they shall fill the office of Mayor and Recorder of Austin.

Sec. 10. Be it further enacted, That it shall be the duty of the Mayor to preside at the meetings of the City Council, and to convene them whenever required so to do by three Aldermen of the said Council; but in case of the absence of the Mayor, from sickness or any other cause, the Board of Aldermen shall have power to choose one of their number to preside; and their acts shall be as valid at such meetings as if the Mayor was present.

Sec. 11. Be it further enacted, That after the first election, the Mayor and Aldermen may lay off the City into a suitable number of wards, and each ward shall be entitled to elect one Alderman; and when elected, said Aldermen shall constitute the City Council; and the Mayor and City Council shall judge of the election of its own members, of the Mayor and Recorder; and shall name, by ballot the city Treasurer, Marshal, and city clerk, and all other subordinate officers to be appointed by virtue of this act.

Sec. 12. Be it further enacted, That a majority of the whole number of Aldermen elected shall constitute a quorum for doing business, except in case a tax is to be levied, when a vote of two-thirds shall be required.

Sec. 13. Be it further enacted, That the City Council may determine the compensation of the Mayor, Treasurer, Recorder and the other officers.

Sec. 14. Be it further enacted, That the Treasurer, before entering on the duties of his office, shall give bond, with sufficient security or securities, for the faithful performance of his duties—the amount of security of said bond to be determined by the Mayor and city council.

Sec. 15. Be it further enacted, That the Mayor and City Council shall have power to lay a reasonable tax on all persons and property, both real and personal in said city: Provided, That said tax is to be levied at the beginning of each year, and to be assessed and collected by the officers appointed for that purpose:

and shall also, be empowered to lay a tax on all taverns and houses of public entertainment, tippling houses, billiard tables, and nine-pin-alleys and merchants, retail or wholesale.

Sec. 16. Be it further enacted, That the city Marshal, and other subordinate officers appointed to assist him in the performance of his duties, shall give bond and security, shall be commissioned in the same manner, and be entitled to the same fees as ordinary constables.

Sec. 17. Be it further enacted, That it shall be the duty of the Marshal and his deputies, appointed by the City Council, to act as police officers, to preserve the quiet of the city, and to inform the Recorder, or Mayor, of all breaches committed against the ordinances of the city.

Sec. 18. Be it further enacted, That from and after the first election, it shall be the duty of the Mayor and City Council to regulate all proceedings relative to the election of city officers; to decide upon the places and time of keeping open the polls—always giving ten days notice of each election, by posting advertisements in each ward, and by publication in one of the newspapers printed in the city; and in case the office of mayor shall become vacant by death, resignation, or any other cause, the city council may order an election in the manner aforesaid, to fill the vacancy.

Sec. 19. Be it further enacted, That no election shall be contested by any person, unless within ten days after holding the same; and the person intending to contest, shall cause the person having a certificate of election to be notified thereof, at least three days before the time he intends to appear and contest the election, and shall cause a statement in writing to be delivered to him by the city marshal, or his deputy, stating the grounds upon which he relies to sustain the contest; and, in case the candidate elect cannot be found, then the notice and statement to be left at his usual place of residence. No *ex parte* testimony shall be received as evidence in any contested election, without the consent of the opposite party; and in all cases of contested election, the mayor and city council shall have power to settle all questions relative to the legality and number of votes thereon, and decide upon the candidate entitled to a certificate of election.

Sec. 20. Be it further enacted, That all acts inconsistent with the provisions of this Charter be, and the same are hereby repealed.

Sec. 21. Be it further enacted, That the first election of city officers shall be held as soon as may be after the passage of

this act, by the chief justice of the county issuing his writ to some person residing in the city of Austin, directing him to act as presiding officer, to appoint three judges and two clerks to assist in the election who shall be sworn to the faithful discharge of their duties; and said presiding officer shall post up notice in some public place in the city, at least seven days before the election, of the time and place of holding the same—the polls, for this purpose to be kept open from ten in the morning until four o'clock in the afternoon; and after counting the votes in the presence of the three judges, shall seal up a true list of the same, and deliver them, or cause them, to be delivered, to the chief justice, who shall, thereupon, give a certificate to the officers elected; and they shall be empowered to enter on the duties of their office, according to the provisions of this act.

Sec. 22. Be it further enacted, That no person shall be eligible to any office, or entitled to vote for city officers, unless he shall be a citizen of the Republic, and shall have resided, at least two months, and owns or rents real estate in said corporation. The officers first elected shall hold their offices until the first of January, eighteen hundred and forty-one; the elections (after the first one) shall be held on the second Monday in December, annually.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved December 27th, 1839.

MIRABEAU B. LAMAR.

AN ACT

To amend the Charter of the Brazos and Galveston Rail Road Company.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That in the act incorporating the Galveston and Brazos Rail Road Company, approved 24th May, 1838, the word "canals" be substituted for the word "turnpikes" in sections 2d, 10th, 12th and 15th, of the Charter of said Company.

Sec. 2. Be it further enacted, That the words "and canals" be inserted in section 10th, after the words "and make their roads."

Sec. 3. Be it further enacted, That the said Company shall be entitled to charge for carrying merchandise and produce on said rail road and canal at a rate not exceeding 2 1-2 cents per mile for every hundred pounds, which privilege shall continue for five years from the completion of the work, and until Congress may thereafter otherwise direct.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved January 1840.

MIRABEAU B. LAMAR.

AN ACT

Authorizing the President to redeem prisoners from Indian captivity.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be and he is hereby authorised to redeem all or any prisoner from Indian captivity.

Sec. 2. Be it further enacted, That an amount not exceeding twenty thousand dollars be, and the same is hereby appropriated for carrying into effect the provisions of this act.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 25th January, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Defining the pay of the Members of the subsequent Congress.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the members of the next annual and succeeding Congress,

shall be allowed eight dollars per diem, and also eight dollars for each twenty-five miles coming to and going from the seat of Government.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

For the permanent location of the Port of Entry in the District of Aransas.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the city of Aransas be and is hereby created the port of entry for said district, and that the Secretary of the Treasury be and is hereby required to inform the collector to remove there forthwith.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 13th December, 1839.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

To repeal a Joint Resolution legalizing commissions of Military Officers, Approved November 16th, 1838.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the joint resolution legalizing commissions of Military Officers, approved November sixteenth, eighteen hundred and thirty-eight, be and the same is hereby repealed.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 5th February, 1840.

MIRABEAU B. LAMAR.

AN ACT

To prevent admissions made by an Agent or Attorney of the Republic from operating to the prejudice thereof.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That no admission made by an agent or attorney in any suit or action in which the Republic is a party shall operate to the prejudice of the interests of the Republic.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

Appropriating five thousand dollars for the contingent expenses of both Houses of Congress.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of five thousand dollars, or as much thereof as may be necessary, be, and the same is hereby appropriated to defray the contingent expenses of both houses of Congress.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 27th December, 1839.

MIRABEAU B. LAMAR.

AN ACT

The better to define the line between the counties of Austin and Fort Bend, east of the Brazos.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the first section of an act creating the county of Fort Bend

be so amended, as to run in a straight line from the crossing of Buffalo Bayou, to the N. E. corner of the league of land granted to Churchhill Fulcher; thence with the lower line of said league to the Brazos river; thence across said river and up the same on its right bank to the mouth of the sixteen mile creek; thence with the boundaries as heretofore described, to the place of beginning.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 5th February, 1840.

MIRABEAU B. LAMAR.

AN ACT

To create a Justice of the Peace and Constable for the lower part of Jasper County.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That there shall be one justice of the peace, and one constable, for that part of Jasper county lying south of Wright's race paths, and west of the dividing ridge separating the waters of the Sabine and Neches rivers, whose duties shall be such as are prescribed by law for the regulation of all such officers in such case made and provided.

Sec. 2. Be it further enacted, That the chief justice of Jasper county be and he is hereby required to cause an election to be held within the territory above described, immediately, or as soon as practicable after the passage of this act, to elect one justice of the peace and one constable for said district; any thing in the laws to the contrary notwithstanding.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 3d, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Altering the name of the County of Harrisburg.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this resolution, the county now known as the County of Harrisburg, shall be called and known as the county of Harris; any law to the contrary notwithstanding.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved December 28th 1839.

MIRABEAU B. LAMAR.

AN ACT

To define the boundaries of Montgomery County.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, the boundaries of the county of Montgomery shall be as follows, viz:—Beginning at the mouth of Beesair's Creek; thence to a point now established at the head of Pond Creek; thence to the head of Spring Creek; thence with its meanders, to San Jacinto; thence north fifty degrees east to the western line of Liberty county; thence along said line to the north-west corner of said county; thence, eastwardly with said northern line of the same, to the Trinity River; thence up said river, on its right bank, to the crossing of the old San Antonio Road; thence, westwardly with said road to the Navasoto; thence, down the Navasoto, on its left bank, to its mouth; thence down the Brazos, on its left bank, to the place of beginning.

Sec. 2. Be it further enacted, That all surveys made by the surveyors of Montgomery county, between the line as now to be established, and the line running direct from the head of Pond Creek to the mouth of Lake Creek, subsequent to the twenty-fourth May, eighteen hundred and thirty-eight, are hereby declared to be legal: Provided, they do not interfere with surveys made by the surveyors of Harrisburg County previous to that date.

Sec. 3. Be it further enacted, That all surveys made by the surveyors of Harrisburg County, south of a direct line running from the head of Pond Creek to the mouth of Lake Creek, previous to the twenty-fourth May, eighteen hundred and thirty-eight, and north of Spring Creek, are hereby declared to be legal: Provided, they do not interfere with surveys previously made by the surveyors of Montgomery county.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 25th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

To annex part of Washington County to the County of Milam, and for other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all that part of Washington county west of the Brazos river and north of the Yegua, be and the same is hereby annexed to the county of Milam.

Sec. 2. Be it further enacted, That James Shaw, John W. Porter, George Green, Westley Moore—of the county of Milam, and Willet Holmes, William W. Hill, John Echols and James Harvy, of the county of Washington be, and they are here appointed commissioners, with power and authority (any five of them concurring) to select a temporary seat of justice; and also to select a suitable place for the county seat of a new county, to be hereafter formed of that portion of Washington county above the Yegua, and so much of the county of Milam as may be necessary to found a constitutional county; and that they be, also, authorised and empowered to obtain by purchase, upon the faith and credit of said county, or receive by donation, at the place selected for the county seat, not less than three hundred and twenty acres of land for the use of the said county.

Sec. 3. Be it further enacted, That the said commissioners be and they are hereby authorised and empowered, so soon after the selection of said county seat as practicable, to have the same surveyed into lots of convenient sizes; and after advertising

the sale in some public newspaper, for at least sixty days, to sell at public auction any number thereof, not exceeding one-half of the whole number of lots; and the said commissioners are hereby required to appropriate the proceeds arising from the sale of said lots, after paying the necessary expenses of purchasing, surveying, &c., to the erection of a court house, jail, and such other public buildings as they may deem necessary and proper.

Sec. 4. Be it further enacted, That all the land procured under the provisions of this act, and all the proceeds arising therefrom, shall be under the control, and at the disposal of the commissioners of roads and revenue of said new county where the same shall have been created.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 4th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To incorporate the town of Texana.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the citizens of the town of Texana be, and they are hereby declared a body corporate and politic under the name and style of the corporation of the town of Texana, and by that name may sue and be sued, plead and be impleaded, and hold and dispose of real and personal property, within the limits of said corporation.

Sec. 2. Be it further enacted, That it shall be the duty of said citizens, on the first Monday in January of every year, to elect six aldermen, a mayor, a treasurer, a secretary and a constable; said election to commence at 10 o'clock, A. M. and close at 2 o'clock, P. M.; to be conducted by the mayor and at least two aldermen, the mayor having given five days notice by advertisements posted up at three of the most public places in said town.

Sec. 3. Be it further enacted, That no person shall be eligible to hold an office in said corporation, or vote for members of said body, who shall not at the time of the election, be the owner of real estate, or actually paying rent within the incorporated limits, and who shall not have resided therein six months previ-

ous to the election, Provided that a residence of one month, with the other qualifications, will be sufficient at the first election after the passage of this act.

Sec. 4. Be it further enacted, That the officers elected under this act shall, before they enter upon the duties of their said offices, respectively take and subscribe the following oath:—"I do solemnly swear (or affirm) that I will support the constitution and laws of the Republic, and that I will discharge the duties of my office to the best of my knowledge and ability, so help me God;" which oath shall be taken by the mayor before the chief justice, or any justice of the peace of the county, and by the other officers respectively before the mayor.

Sec. 5. Be it further enacted, That the mayor and aldermen of the town of Texana shall have full power and authority to pass such by-laws or ordinances as they may deem necessary to maintain the cleanliness and salubrity of said town, to keep the streets in order; to establish a town patrol for the inspection of the conduct of slaves; to regulate taverns, grog-shops and other public houses; to levy taxes on the persons and property within the limits of said corporation; to establish schools; to regulate the compensation of the officers of said corporation; to appoint such, (their) subordinate officers, not herein provided, as they may deem necessary; to fill vacancies occasioned by the death, resignation or removal of aldermen, or other officers; to cause the Treasurer to report the condition of the Treasury at such periods as they may deem necessary; to fix the time of the regular meeting of the board; to fine members of the board for non-attendance at the regular meetings; to remove the treasurer, secretary, constable, or other subordinate officers for malfeasance or misfeasance in office, to levy fines and penalties for the infraction of the by-laws; but no fines shall exceed fifty dollars; the board shall be judge of the qualifications and elections of its own members and other officers of the corporation, and may pass such by-laws, and ordinances for the regulation of the police and government of said town, not inconsistent with the constitution and laws of the Republic, as they may deem proper.

Sec. 6. Be it further enacted, That a quorum to do business, shall consist of the mayor, and at least four aldermen; their deliberations shall be public, unless two thirds of the members present deem it necessary to deliberate with closed doors, and they shall have regular periods for meeting, Provided the mayor shall call a meeting at any time, upon the request of the aldermen, by giving two days notice.

Sec. 7. Be it further enacted, That the mayor shall have all the powers of an ordinary Justice of the peace, within the limits of said corporation; shall be president of the board of aldermen; shall enforce and carry into effect such by-laws and ordinances as the board may, from time to time, ordain, and he shall receive a commission from the President, as justice of the peace, during the time he shall discharge the duties of mayor.

Sec. 8. Be it further enacted, That all offences against the by-laws and ordinances, shall be presented before the mayor in a summary manner, and execution may issue, returnable forthwith, and the constable shall execute all writs directed to him by the mayor.

Sec. 9. Be it further enacted, That the treasurer shall be required to give bond with approved security, in such sum as the board of aldermen may require; which bond shall be made payable to the mayor and his successors in office, conditioned for the faithful performance of the duties of his office, and that he will account for all the monies received by him as treasurer, upon which bond suit may be commenced in any court having jurisdiction of the same, by giving the treasurer ten days notice.

Sec. 10. Be it further enacted, That it shall be the duty of the treasurer whenever required by the board of aldermen, to report an accurate, detailed and just statement of the receipts and expenditures, and the condition of the treasury of said body politic, which report shall be sworn to, and should the treasurer refuse to account as aforesaid, after five days notice, suit shall be commenced on his bond, and the board may suspend him from office, Provided, however, that the treasurer shall not be required to report oftener than once in every three months.

Sec. 11. Be it further enacted, That no tax shall be levied by the board unless with concurrence of at least four aldermen, and the corporation tax shall be assessed and collected on the same property, and in the same manner as the state tax, and shall not in any one year be greater than the tax levied by the Republic, and real, as well as personal property, shall be subject to sale for the corporation tax, under the same rules and regulations, prescribed for the collection of Taxes due the Republic.

Sec. 12. Be it further enacted, That the collector of taxes for the corporation, shall put up notices at three of the most public places in said town, for at least two months, stating the day on which the tax will become due, and the place where he shall keep his office; and thirty days after the day fixed for the payment of taxes, the collector shall deliver to the constable of the corporation a list of those who have not paid their tax, or a de-

scription of the property upon which the tax has not been paid, and the constable shall proceed to collect said tax in a manner and form as is by law provided for the collection of the state tax, and shall receive the same fees.

Sec. 13. Be it further enacted, That all white males between the ages of eighteen and forty-five years, and all colored persons or male slaves, between the ages of sixteen and sixty years, living within the limits of said corporation, shall be liable to work on the streets, provided they shall not be compelled to work more than ten days in every one year, and shall be exempt from other road duty. The board of aldermen shall fine every person who neglects to work on the streets, or furnish a substitute when required, by the proper person or persons: Provided no fine shall exceed five dollars, for every day such person refused or neglected to work.

Sec. 14. Be it further enacted, That should the office of mayor become vacant, the chief justice, or in his absence or disability, either of the associate justices of the county shall forthwith issue a writ of election, to be held by said chief justice, or associates, giving five days notice, and should the election required, to be held on the first Monday in January of every year not be held on that day, the chief justice of the county, or associate justices, shall proceed to hold the election in manner aforesaid, and all elections shall be by ballot.

Sec. 15. Be it further enacted, That those now in office shall continue to discharge the duties of their respective offices, until the annual election as provided in this act.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved, 14th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

Requiring the Supreme Court to appoint a Reporter.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Judges of the Supreme Court of the Republic of Texas be, and they are hereby required to appoint a suitable person

as reporter of the decisions of the Supreme Court, who shall be required faithfully to report all its decisions; and so soon as said decisions shall be sufficient to make a volume containing not less than four hundred pages, he shall be required to publish the same in an approved manner.

Sec. 2. Be it further enacted, That the copy right of said reports is hereby secured to the reporter, and the Republic hereby engages to take two hundred copied of each volume of said reports; Provided, the cost shall not exceed fifteen dollars per volume.

Sec. 3. Be it further enacted, That the reporter shall hold his office at the will of the Supreme court, and may be removed by a majority of said court, at any session of the same and another appointed.

Sec. 4. Be it further enacted, That the reporter shall be entitled to receive an annual compensation of one thousand dollars, to be paid out of the Treasury as other civil officers.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved January 21st, 1840.

MIRABEAU B. LAMAR.

AN ACT

Granting an extension of time to certain Officers in Robertson County.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the citizens of Robertson county shall not be double taxed on their land certificates; and that they shall have an extension of time till the first day of January 1840, to make out an inventory, and the returning officer be allowed that time, and that the sheriff be allowed till the first day of March to collect and pay over the tax of said county.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved 14th December, 1839.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Appropriating five thousand dollars, to defray the expenses of marking the Boundary Line between Texas and the United States of the North.

Sec. 1. Be it resolved by the Sénate and House of Representatives of the Republic of Texas, in Congress assembled, That the sum of five thousand dollars, in the promissory notes of this Republic, be and the same is hereby appropriated to defray the expenses of marking the boundary line between Texas and the United States of the north, which said amount shall not be subject to be applied until the work shall be completed and all returns made to the proper officers of this government.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved 18th January, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Repealing a Joint Resolution authorizing William G. Cooke to sign the name of the President to the Promissory Notes.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That an act entitled an act authorizing William G. Cooke to sign the name of the President to the promissory notes of the Government (approved October 25th, 1837,) be, and the same is hereby repealed.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved November 30th, 1839.

MIRABEAU B. LAMAR.

AN ACT

To Prohibit the driving of Cattle and Hogs from the Cherokee Country, or killing the same therein.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That any person or persons, who shall without authority from the Secretary of War, drive out of the Cherokee country any cattle or hogs, not their own, or who shall kill the same within said country, shall on conviction thereof be fined in a sum not less than one thousand dollars and be imprisoned six months at the discretion of the court.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved 4th February, 1840.

MIRABEAU B. LAMAR.

AN ACT

To carry into effect the Convention between Texas and the United States, for marking the boundary between them.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the President of the Republic be, and he is hereby authorised and empowered to appoint, by and with the advice and consent of the Senate, a commissioner, a surveyor and one clerk to the said commissioner, for the purpose of carrying into effect the convention between the Republic of Texas and the United States of America, concluded at Washington on the 25th day of April, 1838.

Sec. 2. Be it further enacted, That it shall be the duty of said commissioner and surveyor, to act in conjunction with the commissioner and surveyor appointed by the United States, and to run and mark the said line according to the stipulations of said convention.

Sec. 3. Be it further enacted, That the salary of the said commissioner shall be two thousand dollars, the salary of the surveyor fifteen hundred dollars, and the salary of the clerk one thousand dollars, per annum.

Sec. 4. Be it further enacted, That the sum of five thousand dollars be, and the same is hereby appropriated, in addition to the amount appropriated by the act of Congress passed the 12th day of June, A. D., 1837, for paying the contingent expenses of said commissioner.

Sec. 5. Be it further enacted, That an act entitled an act to authorise the President to appoint a commissioner to run the boundary line between the United States of America and the Republic of Texas, passed the 12th day of June, 1837, be, and the same is hereby repealed.

Sec. 6. Be it further enacted, That the salary per annum of the commissioner, surveyor and clerk, contemplated by this act, shall only run, or be counted during the term they are actually engaged at the work herein contemplated, and a reasonable time allowed for going to the point of commencement, and returning from the point at which their labors in such work may cease; and that the commissioner be required to render to the Secretary of the Treasury of this Republic, a full and fair account of all the contingent expenses, with the necessary vouchers accompanying the same, of his commission.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved November 23d, 1839.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

To legalize certain acts of the Old Board of Land Commissioners in the County of Red River.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That land certificates granted by the old board of land commissioners in the county of Red River after the repeal of the law creating the same, and previous to the publication of the law creating the new board, shall be and are hereby declared as valid as if said certificates had been granted by the new boards.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved 5th February, 1840.

MIRABEAU B. LAMAR.

AN ACT

Appropriating thirty thousand dollars for purposes therein named.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the sum of thirty thousand dollars be, and the same is hereby appropriated, to liquidate the claims against the Republic of Texas for supplies consumed by the troops under the command of Major General T. J. Rusk, and others, in the years 1838 and 1839.

Sec. 2. Be it further enacted, That it shall be the duty of the Quarter-Master General to approve and pay all just accounts against the Government for provisions and supplies furnished the army since the first of January, A. D., 1838, any provision in any law to the contrary notwithstanding.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved February 3d, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

To authorize the Commissioners of the Five Million Loan to raise money on a pledge of a portion of the Bonds.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the President be, and he is hereby authorised to invest the commissioners of the five million loan, with authority to pledge or hypothecate a portion of the bonds, in order to enable them to raise money by an advance on the bonds, which may be made on the credit of eventual success in the negotiation of the loan.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved February 1st, 1840.

MIRABEAU B. LAMAR.

AN ACT

To authorize the erection of Government Buildings.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That there shall be erected one building for the accommodation and use of the State Department and General Land Office: Provided, That the expense of the said building shall not exceed ten thousand dollars.

Sec. 2. Be it further enacted, That the said building shall be built of stone, and be made as nearly fire-proof as possible; it shall be built upon the site designated for that purpose at the city of Austin.

Sec. 3. Be it further enacted, That the Secretary of the Treasury be, and he is hereby charged with the execution of this law; and that he shall cause a plan and specification to be made out, as soon as convenient, and submitted to the President for his approval; and after being approved, he shall contract for the construction of said building, on the best terms possible, and as soon as practicable.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved 28th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

To provide for the payment of the organization of the Militia of 1839.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the sum of fifty dollars in the promissory notes of the Government is hereby allowed to such of the chief justices of the counties, who may have organized the militia of their respective counties, in obedience to a proclamation of his Excellency the President, bearing date February 15th, 1839.

Sec. 2. Be it further enacted, That the certificate of the Secretary of War, showing that the Militia was organised in ac-

cordance with the provisions of the 1st section of this act, and a muster-roll returned to the proper department, shall be a sufficient voucher for the auditor to audit the claim of any chief justice for the aforesaid service; and the Treasurer is hereby authorised to pay the amount out of any money in the Treasury appropriated for the payment of the military.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

For the purpose of establishing a Mail Route from Colonel Harvey Jones' to the Town of Comanche, and other purposes.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Postmaster-General be, and he is hereby authorised and required to establish a Post-Office at or near the residence of Col. Harvey Jones, in the county of Bastrop.

Sec. 2. Be it further resolved, That there is hereby created and established a mail route from the abovementioned post-office to the town of Comanche; and that the Postmaster-General be authorised to contract for carrying a mail on said route once a week; Provided, the expense of the same does not amount to more than two hundred dollars per annum; And further provided, that the proceeds arising from such mail does amount to at least one-fourth of the expenses for carrying the same.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 5th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

Regulating the Distribution of the Laws and Journals.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of State be authorised to have bound, in good

order, one hundred and fifty volumes of the Ordinances and Decrees of the General Council, and the laws of the Republic, so far as published, with a general index to the laws, in one volume; also one hundred and fifty volumes of the Ordinances and Decrees of the State of Coahuila and Texas, also one hundred volumes of the journals of the Consultation and General Council; also, one hundred volumes, each, of the Journals of the House of Representatives, and Journals of the Senate, up to the present session; and that the sum of two thousand dollars, or as much as may be necessary, is hereby appropriated for the payment of the same.

Sec. 2. Be it further enacted, That at the commencement of the session of each Congress, the chief clerk of the House of Representatives, and the secretary of the Senate, shall, upon application to the Department of State, receive one bound copy of each work for the use of each member of Congress; and shall give a receipt to the Secretary of State for the number he receives; and shall be accountable for the return of the same to the Department of State, at the close of the session, under the forfeiture of double the amount of cost of printing and binding such book or books so missing; which amount shall be deducted from his account by the Auditor, upon the report of the Secretary of State to him of such failure.

Sec. 3. Be it further enacted, That each member of Congress shall, upon receiving such books from said clerk or secretary, be charged upon a book kept for that purpose, and at the end of the session, shall return all the books he may have received, and for which he shall be duly credited by the clerk or secretary; and in case of his failure to return any book, or books, there shall be deducted from his account, by the Auditor, double the amount of the cost of printing and binding such book or books; which amount shall stand to the credit of said chief clerk or secretary, in the Auditor's office, upon proof being given him that such book or books are missing.

Sec. 4. Be it further enacted, That from and after the passage of this act, the chief clerk of the House of Representatives shall hold his office for one year from and after his election. He shall have charge of all the papers of the House and shall faithfully preserve the same: he shall after the adjournment of each session, copy the journals of such session in a well-bound book: he shall record and file all the papers of such session, in properly arranged packages, with appropriate labels: he shall give bond with good and approved security, payable to the President of the Republic, in the sum of ten thousand dollars, conditioned for the

faithful performance of his duty, and preservation of the papers and records in his charge; and shall receive the same salary that the chief clerks of departments receive—which salary shall commence at the first of each session of Congress.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To incorporate the Milam Guards in the City of Houston.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That Joseph Daniels, Joseph C. Eldredge, J. L. Nickelson, C. J. Heddenberg, Francis R. Lubbock, J. D. Cocke, A. J. Davis, together with their associates and successors be, and they are hereby constituted a body politic and corporate, under the name and style of the "Milam Guards," with power to sue and be sued, plead and be impleaded, answer and be answered unto, appear and prosecute to final judgment, in any court, or elsewhere; to have a common seal with whatever motto and ensign they please; to elect in whatever manner they shall determine, the officers necessary to command them; to ordain and establish by-laws for the government and regulation of their affairs, and the same to alter and amend at will; and to hold real estate and personal property, and dispose of the same; provided however, that such real and personal estate shall at no time exceed the amount of ten thousand dollars, and that said company shall never exceed seventy-five men.

Sec. 2. Be it further enacted, That said corps shall be exempt from common militia drills, save Battalion and regimental reviews, and also from the payment of road tax.

Sec. 3. Be it further enacted, That said corps shall have power by their constitution and by-laws to hold courts of enquiry, and courts martial upon their own members; to try all violations of their ordinances agreed upon by a majority of the members of the company; to suspend, break, fine, not exceeding one hundred dollars, those infracting the laws established under this charter.

Sec. 4. Be it further enacted, That all fines imposed by a court martial, or accruing under the by-laws, shall be collected upon a warrant issued by the secretary and endorsed by the officer commanding, with the seal of said company affixed; the fines collected to belong to the company, with the exception of the fines imposed for absence upon battalion and regimental drills; any constable within the limits of the city of Houston is empowered to levy said warrant, and coerce the payment under the same law that governs constables, in the execution of civil process.

Sec. 5. Be it further enacted, That the officers commanding said corps shall be a captain, and first and second lieutenant, to be commissioned by the President, subject when ordered out on duty to be tried and governed by the rules and regulations of war as ordained and established by government.

Sec. 6. Be it further enacted, That drafts shall never be made from said company, but it shall be the privilege of the corps to go in body under their own officers; this exemption to be allowed only when a levy of two hundred men is made in the battalion; should that number be ordered out, the corps is bound to take the field; if a less number is drafted, then said corps is exempt from service.

Sec. 7. Be it further enacted, That said corps when ordered to take the field, shall find their own tents, wagons and camp equipage.

Sec. 8. Be it further enacted, That the government is to supply said corps with muskets, and for which, the captain of the company is to be responsible.

Sec. 9. Be it further enacted, That this incorporation shall be and continue in force for the term of ten years from the passage thereof.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

Supplementary to an act, "entitled an act to incorporate the city of Houston, and other cities therein named, approved on the 28th January, 1839.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the superficies of the corporation of the city of Houston be,

and the same are hereby designated and established as follows:—An oblong square, the diameter of which, from the north to the south, shall be three lineal miles, and from the east to the west, three lineal miles; of which oblong square, the point upon which the court house of the county of Harris at present stands shall be the centre.

Sec. 2. Be it further enacted, That the city of Houston be, and is hereby divided into four wards, in the following order, to-wit: All that part of the said city lying and being north of Commerce, and west of main streets, shall be known and denominated, ward No. 1:—All that part of the said city lying and being north of Commerce and east of Main streets, to be known and be denominated, ward No. 2:—All that part of said city lying and being south of Commerce and east of Main streets, shall be known and denominated, ward No. 3; and all that part of said city, lying and being south of Commerce, and west of Main streets, to be known and denominated, ward No. 4.

Sec. 3. Be it further enacted, That the eight aldermen provided by the aforesaid act to which this is a supplement, to compose the city council of said city be, and they are hereby required to be elected by the qualified voters of the same, by wards, each ward electing two aldermen, who are required to be residents of the ward in which they are elected; and all vacancies for an alderman shall be filled by election by the qualified voters of the ward to which the alderman causing said vacancy belonged; the said election to be held in virtue of a notice to be given by the mayor of said city, at least five days previous to the day of election. The mayor is hereby required to designate, in the aforesaid notice, the time and place, and the judges of said election.

Sec. 4. Be it further enacted, That no person shall be a qualified voter at any election for mayor, recorder and aldermen in the aforesaid city, unless he possess the qualifications of a citizen of this Republic, and has resided within the chartered limits of the corporation of said city, six months next preceding the election, and unless he be a house holder, or owner of real estate, the last three months, within the corporation limits of said city, to the value of one hundred dollars, agreeably to the county tax roll.

Sec. 5. Be it further enacted, That no person shall be eligible to the office of mayor of said city, unless he possesses the qualifications of a voter and owns real estate to the value of two thousand dollars, in terms as required in the preceding section.

Sec. 6. Be it further enacted, That the mayor and city council of the said city, shall have power to construct wharves on the banks of the Buffalo bayou, within the limits of the corporation of said city, and such other improvements as may be necessary for the better navigation of said bayou, and for the convenience of landing vessels and their cargoes, and to lay contributions upon all such vessels and cargoes as may land at the said wharves, and to collect the same to defray the expenses thereof.

Sec. 7. Be it further enacted, That the mayor and city council of said city shall have power to regulate the price of wheat bread, according to the market price of wheat flour.

Sec. 8. Be it further enacted, That the fifth section and the tenth section, so far as relates to the city of Houston, of the act to which this is a supplement, be, and they are hereby repealed.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To incorporate the town of Beaumont.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the citizens of the town of Beaumont be, and they are hereby declared a body politic and corporate, by the name and title of "The Corporation of the Town of Beaumont;" and by that name may sue and be sued, implead and be impleaded; and may hold and dispose of real and personal estate in said town; and shall have a common seal, which they may alter at pleasure.

Sec. 2. Be it further enacted, That an election shall be held in said town on the first Monday in January of every year, for a Mayor, a Constable, a Treasurer, and four Aldermen:—the election shall be conducted by the mayor and two aldermen; and persons so elected shall continue in office one year, or until their successors are qualified. The mayor so elected shall be commissioned by the chief justice of Jefferson county, and shall have all

the power of an ordinary justice of the peace, in all matters and cases arising under the criminal laws of Texas; and shall be authorised and empowered to enforce and carry into effect, such by-laws and ordinances as the corporation of said town shall, from time to time, ordain for the better regulation of the police thereof.

Sec. 3. Be it further enacted, That all that tract of land, known as the town of Beaumont, shall be the limits and boundaries of said town—to be extended whenever any tract or parcel of land adjoining said town shall be laid off in town lots, or blocks, at the discretion of said corporation, until the said corporation shall extend to an area of one mile square.

Sec. 4. Be it further enacted, That no person shall be eligible to any of the said offices, or to vote, who is not twenty-one years of age, a citizen, and a freeholder, a house-holder, or has paid a tax to said corporation within the term of twelve months previous to any election at which he may offer his vote.

Sec. 5. Be it further enacted, That the mayor shall be president of the board of aldermen; that a majority of members of said board shall constitute a quorum for the transaction of business; and that said board may enact such by-laws and ordinances for the government of said town, not inconsistent with the laws of the land, as may be deemed proper; and inflict such fines, not exceeding fifty dollars, as may be considered necessary.

Sec. 6. Be it further enacted, That the board of aldermen shall have entire control over the streets of said town; may order new streets to be laid out, and old ones widened or discontinued, at their discretion, by a concurrence of two-thirds of the members of said board: provided, however, that no property shall be appropriated to such purposes until the same shall have been valued and the damages assessed thereon by a jury of six freeholders, citizens of said town, and the owners of said property paid the full amount of said damages on their respective parts.

Sec. 7. Be it further enacted, That all free males between the age of eighteen and forty-five years, and all male slaves over sixteen and under sixty years of age, shall be liable to work on the streets; that such persons shall not be compelled to work more than ten days in any one year, and they shall be exempt from other road duties. The board shall impose such fines on defaulters as they may think necessary, consistent with the laws of the land.

Sec. 8. Be it further enacted, That the board of aldermen shall have power to levy a tax upon all persons and property, both real and personal, in said town: provided, however, that the tax on real property shall not, in any one year, exceed two

and a half per cent., ad valorem on such property; and no tax shall be levied on real estate, unless by consent of two-thirds of the aldermen present; and it shall be levied in the month of January in each year, and be assessed and collected by an officer, to be appointed by said board, to assess and collect the taxes of said town; and the board shall, also, have power to levy a tax on all grog-shops, tippling-houses, billiard tables, ninepin alleys, and all games of the like nature.

Sec. 9. Be it further enacted, That all public property in said town shall belong to said corporation, excepting such as may have been heretofore deeded by the proprietors of the county of Jefferson; and the board of aldermen may dispose of it in such manner as the best interest of said town may require.

Sec. 10. Be it further enacted, That the board of aldermen shall have power to constitute and appoint such officers, with the regulation of their compensation, as may be considered necessary; and the officers so appointed may be removed at the pleasure of the board; and may be required to give bond with security to the mayor, in such penalty as may be deemed requisite; and shall perform such duties as shall be enjoined on them; and shall be liable for such fines for neglect of duty, as may be imposed on them.

Sec. 11. Be it further enacted, That all offences against the by-laws be prosecuted before the mayor, in a summary manner; and an execution may issue, returnable forthwith; and the constable shall execute all writs directed to him by the mayor.

Sec. 12. Be it further enacted, That if the office of alderman, treasurer, or constable of said town, shall become vacant by death, resignation or removal from the town, the mayor shall be authorized and required to issue, forthwith, a writ of election to fill such vacancy; and should the office of mayor become vacant, from either of the above mentioned causes, or otherwise, the chief justice of the county of Jefferson be, and he is hereby authorised to issue a writ for a new election, to be held on a day mentioned in said writ; and if the election required to be held on the first Monday in January of every year should not be held on that day, it may be holden at any time, giving five days' notice; and all elections for mayor, alderman or other officers, shall commence at 10 o'clock, A. M., and close at 2 o'clock, P. M.

Sec. 13. Be it further enacted, That the constables shall give bond, with security—shall be commissioned in the same manner—shall have the same power, and be entitled to the same fees as other constables.

Sec. 14. Be it further enacted, That the board of aldermen shall make such compensation to the mayor and treasurer, severally, and allow them such fees as they may deem proper. The treasurer shall be required to give bond, with security, in such penalty as the board of aldermen may deem requisite.

Sec. 15. Be it further enacted, That all laws passed relative to the town of Beaumont shall be, and the same are hereby repealed; and this act shall go into effect from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, 14th December, 1839.

MIRABEAU B. LAMAR.

JOINT RESOLUTION.

Establishing a Mail Route from the city of Austin to the town of Crockett, and to discontinue certain other Mail Routes.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Postmaster-General be, and he is hereby authorised and required to establish a weekly mail route from the city of Austin to the town of Crockett, Houston County, via Nashville, Franklin, Timmons', Robbin's Ferry on the Trinity river, and Mustang Prairie, and establish such post offices on said route as may be proper.

Sec. 2. Be it further resolved, That it shall be the duty of the Postmaster-General to contract, as soon as practicable, for the transportation of the mail over said route from the city of Austin to the town of Nashville, until the first of January 1840, previous to which time he is hereby required to close a contract for the transportation of the entire route for the succeeding year.

Sec. 3. Be it further resolved, That the present mail route from Tenoxtitlan, on Brazos river, to the Neches river, be discontinued from and after the first day of January, 1840; and that the route from the city of Houston to Nacogdoches, via Cincinnati, Mustang Prairie, Crockett, &c., be so altered, that from and after the first day of January, 1840, that it pass direct from Cincinnati to Crockett; and that portion of the route from Indepen-

dence to Franklin, so far as from Nashville to Franklin, be discontinued from and after the first day of January, eighteen hundred and forty.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 18th December, 1839.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Appropriating Money for defraying the expenses of supporting the Caddo Indians.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Secretary of the Treasury be, and he is hereby required to pay out of the appropriation made for the removal of the Shawnee Indians, the amount of the expenses incurred by Charles A. Small, for supporting the Caddo Indians, while their arms were detained from them; Provided, That the sum does not exceed one thousand dollars in par funds.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Appropriating Funds to purchase blank Land Patents.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the sum of five thousand dollars be, and the same is hereby appropriated to the special purpose of procuring blank patents printed upon parchment.

Sec. 2. Be it further resolved, That the Secretary of the Treasury place said amount at the disposition of the Commissioner of the General Land Office.

Sec. 3. Be it further resolved, That each individual who shall receive a patent for land upon parchment shall pay two dollars to the Commissioner of the General Land Office, whose duty it shall be to pay over quarterly to the Secretary of the Treasury, all monies so received by him.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Appropriating Money to pay off the Mail Contracts of 1839.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of twenty thousand dollars, out of the one million appropriation of the late session of Congress, be, and the same is hereby appropriated, to pay off the unliquidated contracts due mail carriers for the year 1839.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved December 19th, 1839.

MIRABEAU B. LAMAR.

AN ACT

To Incorporate the Trustees of the Union Academy in the County of Washington.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That Ephraim Roddy, Wm. Lockridge, Jesse B. Atkinson, James

G. Swisher, Stephen R. Roberts, Samuel P. Brown, Horatio Chrisman, Isom G. Belcher and Adolphus Hope be, and they are hereby constituted a body corporate and politic, under the name and style of the Union Academy, capable of suing and being sued, pleading and being impleaded, of holding property real and personal or mixed, of selling, alienating and conveying the same at pleasure, and of doing and performing all things whatsoever, that they may deem beneficial to said institution, not contrary to the constitution and laws of this Republic; Provided, real and personal estate acquired by said corporation shall not at any time exceed twenty thousand dollars in value.

Sec. 2. Be it further enacted, That this charter and privilege shall extend to the said Trustees, and their successors in office, so long as they confine the benefits of the same to the advancement of the sciences, and the promotion of useful knowledge to the rising generations, which institution shall be accessible equally alike to all, without regard to religious tenets or politics.

Sec. 3. Be it further enacted, That every person who has, or may hereafter pay ten dollars for the promotion of said institution, other than as a subscriber of scholars, shall ever afterwards be considered a member, and entitled to vote in all elections for Trustees, and shall himself be eligible to the office of Trustee.

Sec. 4. Be it further enacted, That the Trustees of the Union Academy shall be elected annually by the subscribers, and continue in office until their successors be duly elected, and a less number than five shall not be a competent body for the transaction of business, nor shall the whole number at any time be more than fifteen.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 4th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To raise a Company of Mounted Gunmen to be called the "Fannin Guards."

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That so soon as any number of the citizens of Fannin county,

not less than fifty-three nor more than eighty-five in number, shall equip themselves with good serviceable horses, saddles, bridles and other necessary riding apparatus, with a rifle gun and sufficient supply of powder and ball, and a good belt knife for each man, they shall have a right to elect one captain, one first and one second lieutenant, and shall be known as the "Fannin Guards." The captain so elected shall have the right, and it is hereby made the duty of such captain to report such company to the commandant of the 4th brigade of militia, whose duty it shall be to give to such captain orders, under which he shall act, until he shall have received orders from the Secretary of War, and it shall be the duty of the commandant of the 4th brigade of militia, to report said company to the Secretary of War, whose duty it shall be to make out and forward orders to such captain, with the commissions for the officers of such company, and it shall be the duty of such company to be constantly employed in active service, for which they shall furnish all the necessary rations and provisions without aid of a Quartermaster; Provided however, That no pay for services nor rations of any description shall be allowed said company, except for the time they are in actual service, and that they shall receive one dollar and twenty-five cents per day, for privates, and the officers to be paid in the same proportion.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 4th February, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Appropriating the sum of three thousand eight hundred and forty dollars and sixty cents, as an indemnity for the capture and detention of the British Schooner *Eliza Russell*, by the Texian armed Schooner *Invincible*.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That there shall be and is hereby appropriated the sum of three thousand eight hundred and forty dollars and sixty cents, as an indemnity, for the capture and detention of the British schooner, *Eliza Russell*, by the Texian armed schooner, *Invincible*.

Sec. 2. Be it further resolved, That it shall be the duty of his Excellency, the President, to cause the aforesaid sum of three thousand eight hundred and forty dollars and sixty cents to be paid over to the captain, Joseph Russell, (who commanded said schooner, Eliza Russell, at the time of her capture) or to the agent or other legal representative of the said Joseph Russell.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 25th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

To establish a Mail Route, and for other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Postmaster-General be, and he is hereby authorized and required to establish a mail route from Shelton, in Red River county, to the county seat in Fannin county, by the way of Merrill's and Fort English, and contract as soon as practicable, for the transportation of the mail once a week upon said route; and that a post-office be established at Merrill's, and also at Fort English.

Sec. 2. Be it further enacted, That the Postmaster-General be required to contract for the transportation of the mail upon the route heretofore established from Clarksville to Shelton once a week; and that the following post-offices be established on said route:—at Ward's, Ballad's, Haman's and H. L. Williams's.

Sec. 3. Be it further enacted, That so much of an act, approved January 26th, 1839, as requires the Postmaster-General to extend a mail route from Post Caddo to Coffee's Station, in Fannin county, be, and the same is hereby repealed.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved December 13th, 1839.

MIRABEAU B. LAMAR.

AN ACT

Requiring the Surveyor of Shelby County to perform certain duties.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That Richard Hooper, county surveyor of Shelby county be, and he is hereby required within ninety days after the promulgation of this act, to transcribe or cause to be transcribed in a well bound book, to be procured by him for that purpose, so much of the records of the field notes of surveys which have been recorded or may hereafter be recorded in his office, as relates to land located and surveyed with the present boundaries of the county of Harrison, and deliver said transcripts to the county surveyor of Harrison county.

Sec. 2. Be it further enacted, That said Richard Hooper, county surveyor as aforesaid, shall be entitled to receive the sum of twenty cents for every one hundred words contained in said transcript and be reimbursed for the money paid out for said book; which account for the transcript and book, when certified by the chief justice of Shelby county to be just and true, accompanied by the receipt of the county surveyor of Harrison county, for the delivery of said book, shall be authority for the second auditor of public accounts to audit, and the Treasurer to pay the same out of any moneys in the Treasury not otherwise appropriated.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved 14th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

Supplementary to an act to have the Seat of Justice of Fannin County permanently located.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the chief justice or the associate justices of the county of Fannin, be and they are hereby authorised and required as soon

as practicable to comply with all the provisions of an act of Congress approved on the 10th day of January, one thousand eight hundred and thirty-nine.

Sec. 2. Be it further enacted, That all the legal business which has been or may be transacted at the present place of holding courts in said county, previous to carrying the above provisions of this act into effect, shall be as valid as if the same had have been carried into effect previous to the transacting the same.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved 28th December, 1839.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Legalizing certain acts of the Surveyor of Jackson County.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all surveys made by the surveyor of Jackson county on the west side of Lavaca, within six miles of the same, shall be as legal and valid as if the same had been done by the surveyor of Victoria county; Provided, such surveys do not conflict with surveys made by the surveyor of Victoria county.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Postponing the sale of Lots in the City of Calhoun.

Whereas, the law passed at the last session of Congress, requiring the Secretary of the Navy to have surveyed the bars and passages of the different bays and harbors, &c. &c., has been

only partially carried into effect, by surveying the west pass of Galveston bay; and whereas no proper survey of the pass of Matagorda bay has been made—

Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the sale of lots in the city of Calhoun be, and is hereby postponed until a survey of the pass of Matagorda bay, under the act passed at the last session of Congress, requiring the Secretary of the Navy to have surveyed the bays and harbors of Texas, shall have been made, and the said surveys shall have been returned and acted upon by Congress.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved November 18th, 1839.

MIRABEAU B. LAMAR.

AN ACT

To repeal in part, an act "entitled an act to amend an act Incorporating the City of San Antonio, and other towns. Approved May 24th, 1838.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That so much of the above recited act as extends to the town of Victoria, be and the same is hereby repealed, and the provisions of the act to which the above act was mandatory, are revived as to the town of Victoria.

Sec. 2. Be it further enacted, That the first election for mayor and aldermen for said town shall take place on the first Monday in January next, to be presided over by the chief justice of the county court of the county of Victoria, and all other elections shall thereafter be conducted according to the provisions of the law, revived by this act.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved 17th December, 1839.

MIRABEAU B. LAMAR.

AN ACT

To establish and Incorporate Ruttersville College.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That a seminary of learning be, and the same is hereby established at Ruttersville in Fayette county, to be denominated "The Ruttersville College."

Sec. 2. Be it further enacted, That there shall be eleven trustees, who are hereby authorised to take charge of the interests of the college, and a majority of the whole number shall constitute a quorum to do business.

Sec. 3. Be it further enacted, That the following persons have been duly chosen trustees of the College, and are recognized as such, to wit:—Andrew Rabb, Chauncey Richardson, Robert Alexander, A. P. Manley, J. S. Lester, Robert Crawford, W. P. Smith, John Rabb, James W. Cox, Joseph Nail, Gideon B. Lockridge.

Sec. 4. Be it further enacted, That the trustees aforesaid be, and they are hereby constituted a body politic and corporate, in deed and in law, by the name of the President and Trustees of Ruttersville College; and by that name they and their successors shall, and may have perpetual succession; and be able and capable in law, to have, receive and enjoy, to them and their successors, lands, tenements, hereditaments of any kind, in fee or for life, or for years, and personal property of any kind whatsoever; and also, all sums of money which may be given, granted or bequeathed to them for the purpose of promoting the interests of the said college: Provided, the amount of property owned by said corporation shall not at any time exceed twenty-five thousand dollars.

Sec. 5. Be it further enacted, That there shall be a stated meeting of the Board of Trustees in each year at the time of conferring degrees; and that the President of said Board of Trustees shall have full power to call an occasional meeting of the Board whenever it shall appear to him necessary.

Sec. 6. Be it further enacted, That the Trustees of said college shall, and may have a common seal for the business of themselves and their successors, with liberty to change or alter the same from time to time, as they shall think proper; and that by their aforesaid name, they and their successors, shall and may be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of law and

equity in this Republic; and to grant, bargain and sell, or assign any lands, tenements, goods or chattels now belonging to said, college, or that may hereafter belong to the same; to construct all the necessary buildings for said institution; to establish a preparatory department and a female department, and such other dependent institutions as they shall deem necessary; to have the management of the finances, the privilege of electing their own officers, of appointing all necessary committees; and to act and do all things whatsoever for the benefit of the said institution, in as ample a manner as any person or body politic, or corporate, can and may do by law.

Sec. 7. Be it further enacted, That the said Trustees shall have the power of prescribing the course of studies to be pursued by the students, and of framing and enacting all such ordinances and by-laws as shall appear to them necessary for the good government of the said college, and of their own proceedings: Provided, the same be not repugnant to the constitution and laws of the Republic of Texas.

Sec. 8. Be it further enacted, That the head of said college shall be styled the President, and the instructors thereof the Professors; and the President and Professors or a majority of them, the Faculty of Rutersville College; which Faculty shall have power of enforcing the ordinances and by-laws adopted by the Trustees for the government of the students, by rewarding or censuring them, and finally by suspending such of them as after repeated admonitions, shall continue disobedient or refractory, until a determination of a quorum of Trustees can be had, but it shall be only in the power of a quorum of Trustees, at their stated meetings, to expel any student or students of the said college.

Sec. 9. Be it further enacted, That the Trustees shall have full power, by the President or Professors of the said college to grant or confer such degree or degrees in the arts or sciences, to any of the students of the said college, or persons by them thought worthy, as are usually granted and conferred in other colleges; and to give diplomas or certificates thereof, signed by them and sealed with the common seal of the Trustees of the college, to authenticate and perpetuate the memory of such graduations.

Sec. 10. Be it further enacted, That whenever any vacancies shall occur in the Board of Trustees, either by death, resignation, or otherwise, such vacancy shall be filled by a majority of the remaining trustees.

Sec. 11. Be it further enacted, That all necessary officers of said institution shall be appointed by a majority of the Board of Trustees.

Sec. 12. Be it further enacted, That whenever a vacancy shall occur in the presidency, or any of the professorships of the college, the Board of Trustees shall have the power to fill such vacancy.

Sec. 13. Be it further enacted, That the Trustees shall have the power of fixing the salaries of all the officers connected with the college; of removing any of them for neglect or misconduct in office—a majority of the whole number concurring in said removal.

Sec. 14. Be it further enacted, That the institution hereby incorporated, shall be purely literary and scientific, and the students of all religious denominations shall enjoy equal advantages.

Sec. 15. Be it further enacted, That the lands, public buildings and other property belonging to the said college, are hereby declared to be free from any kind of public tax.

Sec. 16. Be it further enacted, That the Trustees of Rutgersville College, shall have corporate jurisdiction within a mile of the site of either of the public buildings belonging to the college; to suppress and abate nuisances, to restrain gross immoralities, by imposing a fine upon any person or persons so offending within the limits of said jurisdiction, of not less than ten nor more than two hundred dollars; and said fine when imposed by the said trustees, shall be directed to any sheriff, constable or coroner of the county of Fayette; and the said sheriff, constable or coroner (as the case may be) shall proceed forthwith to act as if upon an execution, to attach and sell the property of said offender or offenders to the highest bidder sufficient, to satisfy said fine—due notice being given; and the proceeds thereof, after deducting the usual fees for said officers, shall be paid over to the trustees, for the benefit of said college.

Sec. 17. Be it further enacted, That the Trustees of Rutgersville College shall have power to appoint six honorary members to be added to the number; and the said members so appointed may take their seats at any meeting of the board, and have all the powers and privileges that other members of the board have: Provided, that a quorum of the board of trustees, constituted by this act, shall be present.

Sec. 18. Be it further enacted, That four leagues of land be, and the same is hereby granted to the President and Trustees of Rutgersville College, and their successors—to be located on any vacant and unappropriated lands in this Republic, in tracts of not less than one league, and that the Commissioner of the General Land Office is hereby authorised to issue certificates in tracts of

not less than one league in the name of the President and Trustees of Ruttersville College, and their successors, without charging any fees for the same; and the said President and Trustees are empowered to employ any legally authorized surveyor to locate and survey the same, and make return of his field notes, which shall be received and examined by the county surveyor, in the same manner as prescribed by law, without charging any fees for the same; and the Commissioner-General of the Land Office is hereby required to issue patents for the same to the President and Trustees of Ruttersville College and their successors.

Sec. 19. Be it further enacted, That the said four leagues of land are hereby given, granted and confirmed to the said President and Trustees of the said college, and their successors, who shall have full power to alienate, sell, lease, rent or otherwise dispose of the same; and the proceeds of the same shall be for the erection of suitable buildings for the institutions, for the purchase of philosophical, astronomical and chemical apparatus,—and for the promotion of the arts, literature and science in general, and for no other purpose whatever.

Sec. 20. Be it further enacted, That this act shall be deemed a public act, and judicially taken notice of without special pleading.

Sec. 21. Be it further enacted, That this act shall remain in force, for the period of ten years from and after its passage, and no longer.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To define the boundaries of the county of Bastrop, and to create and establish the county of Travis.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, the county of Bastrop shall comprehend no more than the territorial limits which it now has lying south and southeast of the following line, viz:—

commencing at the northeast corner of a league of land granted to Isaac Casner, on the dividing line between said county and the county of Milam; thence, on a direct line, to the lower corner of a league granted to M. Duty, on the Colorado river; thence, across said river on a direct line, to where the dividing line between Bastrop and Gonzales county intersects the road leading from Nacogdoches to San Antonio.

Sec. 2. Be it further enacted, That all the territory heretofore belonging to the county of Bastrop, lying north and northwest of the line described in the foregoing section be, and the same is hereby declared to form a new county, to be called the county of Travis.

Sec. 3. Be it further enacted, That said county of Travis shall be organised in conformity with an act organizing inferior courts, and defining the powers and jurisdictions of the same: and the county courts of said county shall commence on the first Monday in March, June, September and December in each year; and each term of said court may continue till the business before it be disposed of: Provided however, that no term shall continue for a longer time than two weeks.

Sec. 4. Be it further enacted, That the said county of Travis shall be included in, and form a part of the third Judicial district; and the district courts of said county shall commence and be holden on the second Monday after the first Monday of each term of the court at Bastrop, and continue until the business is disposed of.

Sec. 5. Be it further enacted, That the seat of justice of said county shall be at the city of Austin.

Sec. 6. Be it further enacted, That all suits that have been commenced in the courts of the county of Bastrop shall be continued and adjusted there, just as if no such new county had been formed.

Sec. 7. Be it further enacted, That from and after the passage of this act, the county of Bastrop shall be entitled to but one representative.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved January 25th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To incorporate the City of Matagorda.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the citizens of the city of Matagorda be, and they are hereby declared a body politic and corporate by the name and style of the "corporation of the city of Matagorda," and by that name may sue and be sued, implead and be impleaded, and may hold and dispose of real and personal estate within the limits of said corporation.

Sec. 2. Be it further enacted, That all the sitio of land originally granted to Elias R. Weightman by the Mexican government, described in the deed of the same, recorded in the Spanish record book, A. of the county of Matagorda, pages 229 and 234, and surveyed as follows, to wit: commencing upon the east bank of the River Colorado, and upon the margin of the bay into which said river empties itself, from a cotton wood tree situate upon the bank of said river, a thousand varas down from the last point of prairie or high land, and opposite to the head of a small creek which enters into said bay to the east of said river, which cotton wood tree is marked E. R. W. and has, buried in its east side, a quantity of charcoal, and three pieces of sand stone; from thence, in a right angle, to the head of said creek, and following the same to where it empties itself into the bay, which is about two thousand varas, more or less, to the east of said river, and from said mouth, following the margin of the coast the distance of a lineal league, to where there is placed another land mark, and thence on a right angle, to the north, parallel with the said river, to the post placed in the prairie, with charcoal buried, and from which a line drawn in a right angle with the aforesaid line to the river, Colorado, and thence following the meanders of the aforesaid river down to the point of beginning, comprehending the quantity of one league of land, in superficie; bounded on the south-east by the aforesaid creek and the bay; on the north-east by vacant land, and on the south-west by the aforesaid Colorado river, be the limits and boundaries of said corporation.

Sec. 3. Be it further enacted, That an election shall be held on the first Monday in January of every year, for a mayor, a constable and eight aldermen; the election to be conducted by the mayor and two aldermen, and the persons so elected shall remain in office for one year or until their successors are qualified. The mayor so elected, shall be commissioned by the chief justice

of the county of Matagorda, and shall have all the powers of an ordinary Justice of the peace, in all matters and cases arising under the criminal laws of the country and shall be authorised and empowered to enforce and carry into effect such by-laws and ordinances as the corporation of said city shall, from time to time ordain, for the better regulation of the police thereof.

Sec. 4. Be it further enacted, That every free white male who shall have attained the age of twenty-one years, and resided at least six months previous to the day of the election in the limits of the city of Matagorda, and who, within six months previous to the election shall have paid a corporation tax, or possessed for three months, real estate to the amount of two hundred dollars, conformable to the tax list, shall have a right to vote at the election of mayor, and aldermen, and constable of said city, and if any doubt shall arise in the election, relative to the qualification of any voter, the judges shall be authorised to interrogate him on oath, as to his right of voting in said election.

Sec. 5. Be it further enacted, That the mayor shall be president of the board of aldermen; that a majority of the members of said board shall constitute a quorum for the transaction of business, and that said board may enact such by-laws for the government of said city, not inconsistent with the law of the land, as may be deemed proper, and inflict such fines, not exceeding one hundred dollars, as may be considered necessary.

Sec. 6. Be it further enacted, That the board of aldermen shall have entire control over the streets of said town and may order new streets laid out, and old ones discontinued at their discretion, provided, however, that no new streets may be opened nor old ones discontinued except by unanimous consent of the board, and the board, in such acts, shall be governed by the law of the land relative to roads and highways.

Sec. 7. Be it further enacted, That all free males, between the ages of eighteen and forty-five years, and all male slaves, over sixteen and under sixty years of age, shall be liable to work on the streets; that such persons shall not be compelled to work more than ten days in any one year, and they shall be exempted from other road duty. The board may impose such fines on defaulters as they may think necessary, in which they shall be governed by the law of the land generally.

Sec. 8. Be it further enacted, That the board of aldermen shall have power to levy a tax on all persons and property, both real and personal, in said city, provided, however, that the tax on real property shall not in any one year exceed twelve per cent ad valorem, on such property; and no tax shall be levied on real

estate, unless by consent of two thirds of the aldermen present, and it shall be levied at the beginning of each year and be assessed and collected by an officer, to be appointed by the board, whose duty it shall be to notify all persons who shall have tax to pay to the corporation of the city of Matagorda, of the day on which said tax shall become due, and of the place where he shall keep his office, by notice inserted in the newspaper printed in Matagorda, and posted in at least three public places, for two months previous to said day, and it shall be the duty of every person owing a tax, as aforesaid, to pay the same or cause it to be paid at the office of said collector, and thirty days after the day fixed for the payment of said taxes, the said collector shall hand over to the constable of the city of Matagorda, a list of all such persons as have neglected to pay said tax together with the amount of the same, and it shall be the duty of the said constable on receiving said list, to seize upon any personal property belonging to such delinquent or delinquents, and after advertising ten days, to cause the same to be sold, or so much thereof as will pay the same, and the said constable shall have the right to require from each and every person who shall have neglected to pay as aforesaid, over and above said tax, an increase of five per cent. on the amount of said tax, which increase shall accrue to the constable for his services, provided, however, that in all cases where the tax is paid before the sale of said property, the constable shall not sell, but deliver over the property so seized, to the owner thereof; that if the taxes on any houses, lots, or parts of lots or lands shall not be paid or satisfied within twenty-five days after one of said lists shall be put into the hands of the constable by the collector, it shall be the duty of the constable to advertise such house, lots, or parts of lots and lands, with the names of the owners or possessors, or agents thereof, and the amount of taxes due thereon, for three months, in the newspapers published in said city, at the expiration of said three months said constable or his successor in office, shall proceed to sell the same at public sale, for cash, to the highest bidder, or so much thereof as will be sufficient to satisfy the city taxes due thereon, with all the costs and charges of such sale, over and above the amount of city taxes, provided the owner or owners, possessor or possessors of such houses, lots, or parts of lots or lands, his, her or their heirs, assigns or legal representatives shall have the privilege of redeeming the same at any time within six months from the date of said sale, upon paying the purchaser or purchasers his, her or their assigns or legal representatives, or depositing in the city treasury, for his, her or

their use, the amount of said taxes, with costs and charges, and an advance of one hundred per cent thereon; That it also be the duty of the city constable to render an account every month to the collector aforesaid, and pay into his hands such amounts of money as he may have received in payment of taxes.

Sec. 9. Be it further enacted, That all the public property in said city shall belong to said corporation, and the board of aldermen may dispose of in such manner as the best interests of said city may require.

Sec. 10. Be it further enacted, That the board of aldermen shall have power to constitute and appoint such officers, with the regulation of their compensation, as may be considered necessary, and the officer so appointed, may be removed at the pleasure of the board, and may be required to give bond with security to the mayor, with such penalty as may be deemed requisite, and shall perform such duties as may be enjoined upon them, and shall be liable for such fines for neglect of duty as may be imposed upon them.

Sec. 11. Be it further enacted, That all offenders against the by-laws shall be prosecuted before the mayor, in a summary manner, and execution may issue returnable forthwith, and the constable shall execute all writs directed to him by the mayor.

Sec. 12. Be it further enacted, That if the office of alderman or that of city constable should become vacant by death, or other cause, the board shall have power to appoint a successor, until the regular time for new election, and should the office of mayor become vacant, from any cause, the chief justice of the county of Matagorda be, and he is hereby authorized to issue a writ for a new election to be held, on a day mentioned in said writ, and if the election required to be held on the first Monday in January of every year, should not be held on that day, it may be holden at any time, by giving five days notice, and all elections for mayor and aldermen shall commence at 10 o'clock A. M., and close at 2 o'clock, P. M.

Sec. 13. Be it further enacted, That the constable shall give bond and security as other constables; shall be commissioned in the same manner; shall have the same power, and be entitled to the same fees as other constables.

Sec. 14. Be it further enacted, That the board of Aldermen shall make such compensation to the mayor, and allow him such fees as they may deem proper.

Sec. 15. Be it further enacted, That all laws heretofore passed, relative to the city of Matagorda, shall be, and the same are hereby repealed, so far as relates to the city of Matagorda,

and this act shall go into effect from and after its passage, provided, however, that the mayor and aldermen elected, under the old charter, which is hereby repealed, be, and continue in office, and exercise all the powers granted by this act until the qualification of their successors, who may be elected at the first regular election under this act.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

Supplementary to an act authorizing and requiring County Courts, to regulate Roads, appoint Overseers, and establish Ferries, &c., approved December 20th, 1836.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That any and every person or persons who shall fail, refuse or neglect to work on roads whenever required to do so, shall forfeit and pay the sum of five dollars, instead of two dollars, for each and every day he or they shall fail to do their duty, as is prescribed in the 9th section of the above recited act, to which this is a supplement.

Sec. 2. Be it further enacted, That the citizens of the city of Houston, in Harris county, be exempted from the duties required by the provisions of this act.

Sec. 3. Be it further enacted, That no person whatever shall be exonerated from rendering services on roads as is required by the above recited act, in consequence of living or residing within the limits of incorporated towns.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Defining the mode of proof where no Muster-roll exists.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That in cases where commanders of companies have neglected to file muster-rolls of their respective companies in the War Department, the affidavit of either of the commissioned officers of the company, or the affidavit of a superior officer then in command, taken before a Notary Public, District Judge or before the Secretary of War, shall be sufficient evidence of the facts set forth in the discharge.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To provide for the return of Surveys, for the collection of Government dues on Lands, and for other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all surveys heretofore made shall be returned as required by law, and with the government dues paid thereon, to the General Land-Office, by the first day of January next; and all surveys hereafter made, shall be returned as above, within nine months from the date of the survey; otherwise, they shall be null and void, and subject to re-location.

Sec. 2. Be it further enacted, That the Chief Justice of the several counties shall continue to be the receivers of government dues upon lands in their several counties; and it shall be their duty to make quarterly returns to the Secretary of the Treasury, in such manner and form as required by said Secretary; and upon any receiver failing to make returns, as required, for two months after the expiration of any quarter, it shall be the duty of said Secretary, by public proclamation in some newspaper at the Seat of Government, to forbid all persons from paying

government dues to such receiver; and the district attorney shall institute suit, in the name of the Republic, against such defaulting receiver.

Sec. 3. Be it further enacted, That upon receiving the government dues upon field notes, made out as required by law, it shall be the duty of the receiver to transmit forthwith by mail, or some other safe conveyance, to the Commissioner of the General Land Office, said field notes—unless the person interested therein shall prefer to convey the same to the General Land Office, in which case the receiver or county surveyor shall take a receipt therefor, and transmit all such receipts monthly to the Commissioner of the General Land Office, whose duty it shall be to keep a record of the day upon which all such returns were made.

Sec. 4. Be it further enacted, That the several receivers shall be entitled to receive as compensation for their services, five per cent. upon the amount of dues by them collected—when paid over faithfully as required by this act; but when they make a default, they shall not be entitled to any compensation.

Sec. 5. Be it further enacted, That it shall be the duty of all deputy surveyors to make returns of every survey by them made, within three months after making the survey, to the county surveyor, for his approval; and any surveyor neglecting so to do, shall be fined in a sum not less than one, nor more than five thousand dollars, for the use of the county; and shall moreover, be liable for damages, at the suit of any person thereby aggrieved.

Sec. 6. Be it further enacted, That it shall be the duty of the several county surveyors, upon the return of the field notes of any surveyor in his county, to examine the same; and if found to be correct, to certify to the same as required by law; and deliver them, within ten days after application therefor, to the Chief Justice, or to any person interested therein, after having recorded the same in his office; and any surveyor neglecting or refusing so to do, or failing or refusing to survey any lands, the holder of a legal certificate may point out, within a reasonable time, or surveying such lands so designated for any other person, upon a certificate subsequently presented, shall be liable for all damages sustained by any person on account of such default.

Sec. 7. Be it further enacted, That the several chief justices are hereby required to give special bond and security for the sum of twenty thousand dollars, payable to the President of the Republic of Texas, or his successors in office, conditioned for the faithful performance of their duties as receivers of public dues; which bond shall be approved by the associate justices of the

county, or in their absence by the district court clerk; and after being recorded in the office of the county court clerk, shall be forwarded to the Secretary of the Treasury.

Sec. 8. Be it further enacted, That the term of office of the several county surveyors shall expire on the first Monday of September next, at which time an election shall be held in the several counties for county surveyor, in which said election, all persons qualified to vote for members of Congress shall be entitled to a vote; and the person receiving the highest number of votes, after giving bond, and being otherwise qualified as required by law, shall proceed to discharge the duties of the office for the term of two years, or until a successor is qualified.

Sec. 9. Be it further enacted, That after the first election shall take place under the provisions of this act, the regular term of office for county surveyor shall be two years.

Sec. 10. Be it further enacted, That should any deputy surveyor, surveying any lands for securing which there has not been a certificate deposited, either in his hands or in the hands of the county surveyor, and after making such survey, sell or otherwise dispose of such field notes, so that such survey be considered a legal one, shall upon conviction thereof before any district court, be fined in a sum not less than five hundred nor more than one thousand dollars, and be dismissed from office.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved February 5th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To abolish certain Offices therein named, and to regulate others.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, the office of Adjutant General, Inspector General, Commissary General of Purchases, Assistant Adjutant General, and Paymaster be, and the same are hereby abolished; that all laws and parts of laws constituting said offices be, and the same are hereby repealed.

Sec. 2. Be it further enacted, That the Paymaster-General be allowed two clerks.

Sec. 3. Be it further enacted, That there shall be attached to the War Department a bureau, whose head shall be styled "Adjutant and Inspector General;" and who shall perform the duties heretofore devolving upon the Adjutant General and Inspector General, and who shall be allowed two clerks.

Sec. 4. Be it further enacted, That it shall be the duty of the Quartermaster General, to do and perform the duties heretofore devolving upon the Commissary General of Purchases; and the aforesaid Adjutant and Inspector General, and the Quartermaster General shall be allowed no additional pay or salary for services required by the provisions of this act.

Sec. 5. Be it further enacted, That there shall be appointed to each regiment, one Quartermaster, detailed from subalterns of the line.

Sec. 6. Be it further enacted, That in detachments, or at posts, subalterns shall be detailed by the officer in command to perform the duties of Quartermaster and Commissary of detachments or posts; and such detail shall be reported forthwith to the Secretary of War and Quartermaster General: That each subaltern, when employed as Quartermaster or Commissary, shall have and receive in addition to his monthly pay, twenty dollars per month, and be allowed the use of two public horses while actively engaged in the discharge of those duties.

Sec. 7. Be it further enacted, That the Paymaster-General shall be authorised to appoint acting Paymasters whenever the service requires the same, who shall receive the same pay heretofore allowed to a Paymaster, while they are actively engaged in the discharge of those duties.

Sec. 8. Be it further enacted, That this act shall be in full force and effect from and after the first day of March next—all laws or parts of laws to the contrary notwithstanding.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 28th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

To amend the act of Incorporation of the town of Velasco.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the act of incorporation of the town of Velasco, approved the 5th June, 1837, be and the same is hereby so amended as to insert "the citizens of the same, with such powers and privileges as have been conferred upon the citizens of the town of Brazoria by its act of incorporation, approved November 16th, 1837."

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 1st January, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Requiring the Postmaster-General to contract for carrying the Mail between the cities of Houston and Galveston, twice in each week.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Postmaster General, be and he is hereby authorised and required to contract for the transportation of the mail between Houston and Galveston twice in each week: Provided, it can be done for the sum of twenty-five hundred dollars per annum.

DAVID S. KAUFMAN.
Speaker of the House of Representatives.
DAVID G. BURNET.
President of the Senate.

Approved 5th February, 1840.

MIRABEAU B. LAMAR.

AN ACT

For the incorporation of the City of Galveston.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all the free white inhabitants of the city of Galveston shall continue to be a body politic and corporate by the name of the mayor, aldermen and inhabitants of the city of Galveston, and by that name they and their successors shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties and obligations now appertaining to and incumbent on said city as a corporation, or incumbent upon the inhabitants or officers thereof, and may ordain and establish such acts, laws, ordinances and regulations, not inconsistent with the constitution or laws of this republic, as shall be needful to the good order of said body politic, and under the same shall be known in law, and be capable of suing and being sued, and of defending in all courts and in all actions and matters whatsoever, and may have a common seal, and may alter and change the same at their pleasure, and shall be capable of holding and conveying any estate, real or personal, for the use of said corporation, provided that such real estate be within the limits of said city.

Sec. 2. Be it further enacted, That the administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one mayor, one recorder, nine aldermen, one treasurer, and as many other subordinate officers, not herein mentioned, for preserving the peace, and well ordering the affairs of said city, as the city council shall direct.

Sec. 3. Be it further enacted, That the mayor of said city shall be the chief executive magistrate thereof; it shall be his duty to be vigilant and active in causing the laws, ordinances and regulations of the city to be executed and enforced; to exercise a general supervision over the conduct of all subordinate officers, and to cause their violations of law, or neglect of duty to be punished; he shall call, at the request of three aldermen, special meetings of the board of aldermen, and shall cause notifications of such meetings to be left at the usual dwelling place of each member of the board; he shall, from time to time, communicate with the board of aldermen, such information and recommend such measures as the business and interest of the city may, in his opinion, require, he shall receive for his services a salary to be fixed by the board of aldermen, payable at stated periods. which

salary shall not at any time exceed the sum of two thousand dollars, nor shall it be raised or diminished, during the term of service of any incumbent, for or under any pretext whatever.

Sec. 4. Be it further enacted, That the executive power of said city, and the administration of police shall be vested in the mayor and aldermen, as fully as if specially defined and enumerated in this act; the board of aldermen shall elect all subordinate officers for the ensuing year, define their duties and fix their compensation, and may remove such subordinate officers when, in their opinion, sufficient cause exists two thirds of the whole body concurring therein; should any member of the board of aldermen be a candidate for any office within the gift of the board, he shall not be allowed to be present at the decision, nor entitled to vote thereon

Sec. 5. Be it further enacted, That the city assessors, who shall be annually appointed by the board of aldermen, shall exercise the same powers and be subject to the same duties and liabilities as the assessors of the several cities in the Republic may exercise, and are subject to, under existing laws, or which hereafter may exist, provided, however, that the board of aldermen shall appoint one person in each ward, whose duty it shall be to furnish the assessor with all the necessary information relative to persons and property, taxable in his ward, who shall be sworn to the faithful performance of his duty.

Sec. 6. Be it further enacted, That the mayor shall be elected by the duly qualified voters of the city, voting in their respective wards, and three aldermen shall be elected from the first ward, three aldermen from the second, and three aldermen from the third ward; said officers shall be elected by a majority of the votes given in, and shall hold their offices for one year from the first Monday in the month of March, and until others are elected and sworn in their places, and shall severally take and subscribe an oath to perform the duties of their offices, to the best of their abilities, before the chief justice, or any justice of the peace, resident of said city.

Sec. 7. Be it further enacted, That for the purposes of holding elections for city officers, said city shall be divided into three wards, to contain as near as may be practicable and convenient, an equal number of voters, and it shall be the duty of the board of aldermen, whenever it may be deemed needful, to alter said wards in such manner as to preserve as nearly as may be, an equal number of voters in each; and should it become necessary, from a large increase of population to increase the number of the wards, in order to preserve an equality of voters, they

shall be vested with powers to make such increase. In each of said wards there shall be chosen by ballot of the board of aldermen, annually, on the fourth Monday in the month of February, a warden and clerk, who shall hold their offices for one year, and until others have been chosen and sworn, to supply their places; said warden and clerk shall be sworn to the faithful performance of their respective duties, by any justice of the peace of said city; a certificate of such oath having been administered, shall be issued, and then filed in the Mayor's office; the warden shall preside at all ward-meetings, and shall also act as moderator or judge of the elections; and if at any meeting, the warden shall be absent, the clerk shall call the meeting to order, and preside until a warden pro tempore shall be chosen; the clerk shall record all the proceedings and certify the notes given, and shall hand over to his successor in office, all journals, documents and papers held by him as clerk the inhabitants of each ward may choose two persons to assist such warden in receiving, sorting and counting the votes; a list of the legal voters in each ward shall be prepared by the assessor and board of aldermen, assisted by the wardens, and all regular ward meetings shall be called and notified by a warrant from the mayor and aldermen.

Sec. 8. Be it further enacted, That every free white male inhabitant, who shall have attained the age of twenty-one years, and resided at least twelve months previous to the day of election in the present limits of the city of Galveston, and who shall have paid a state, county or corporation tax, and for the space of six months, shall have possessed a real estate of the value of five hundred dollars, conformable with the tax list within the corporate limits of the city, or who shall have paid a rent of one hundred dollars per annum, at least six months prior to the said election, shall have and possess the right to vote at the election of mayor and aldermen of said city.

Sec. 9. Be it further enacted, That on the first Monday of the month of March, annually, immediately after a warden and clerk have been elected and sworn, the qualified voters of each ward shall ballot for a mayor and for the aldermen of such ward; all the votes given for said several officers, respectively, shall be sorted, counted, declared and registered in open ward meetings, by causing the names of the persons voted for, and the number of votes given for each, to be written in words at length; the ward clerk, within twenty-four hours, shall deliver to the persons elected aldermen, certificates of their election, and shall forthwith deliver to the clerk of the city council, a certified copy of the records of the election. The board of aldermen shall exam-

ine the copies of the records of the several wards, certified as aforesaid, as soon as conveniently may be, and shall cause the person whom they shall determine to have been elected mayor, by a majority of the legal votes given in all the wards, to be notified in writing, of his election; but if it shall appear that no person shall have been so elected, or if the person elected shall refuse to accept the office, the said board shall issue their warrant for another election, and if the citizens shall fail on a second ballot, to elect a mayor, the board of aldermen, from three highest candidates voted for, shall elect a mayor for the ensuing year, and in case of a vacancy in the office of mayor, by death, resignation or otherwise, it shall be filled for the remainder of the time by a new election, in the manner herein before provided for the choice of said officer; in case of a vacancy in the board of aldermen, by death, resignation or otherwise, the board shall order a new election in the respective ward from which such vacancy may occur; said election shall be conducted in the same manner as herein before provided for: the aldermen elected on the first Wednesday of the month of March, shall meet, when an oath for the faithful performance of their duty, shall severally be administered to them by the mayor or by any justice of the peace resident within the city.

Sec. 10. Be it further enacted, That immediately after the board of aldermen have been regularly and legally installed, they shall proceed to ballot for a recorder from without their own body, who shall hold his office for one year, the mayor presiding as president without a vote, except in case of a tie; and the person who shall receive a majority of the votes for recorder, shall be declared duly elected, and shall take his oath of office before the mayor, or any justice of the peace, a certificate of which shall be issued and filed in the archives of the board; the recorder shall be president of the board of aldermen, but not entitled to any other vote than a casting vote, in case of a tie; the mayor and recorder of the said city, for the time being, shall both be ex-officio justices of the peace, and in case of vacancy in the office of recorder, of his absence or inability, the board of aldermen shall choose one of their members as president, pro tempore, who shall possess all the rights and powers of the recorder during such absence or inability.

Sec. 11. Be it further enacted, That in case of the death, removal, resignation, sickness absence or inability of the mayor to discharge his duties, the duties of said office shall be executed by the recorder, during such vacancy, inability or absence, and until a new mayor be elected, as provided for in the seventh sec-

tion of this act, who shall be, during such time, entitled to receive all the emoluments annexed to the said office of mayor; and while the recorder shall perform the functions of mayor, the city council, if in session, shall elect a president, pro tempore, in the manner herein before directed, and as often as any vacancy may happen in the city council, it shall be lawful for the person performing the functions of mayor, to direct an election in the ward to supply such vacancy in which the same may happen, for the time for which the member whose death, resignation or incapacity to serve, caused such vacancy, would have been entitled to serve, which election shall be held and conducted in the same manner as is herein before directed, for the annual elections of the several wards.

Sec. 12. Be it further enacted, That the council shall give at least ten days notice of all elections, and they shall be held, certified and returned in the manner prescribed by the seventh section of this act.

Sec. 13. Be it further enacted, That the Treasurer for the said city corporation shall be elected by the board of aldermen, in the same manner as provided for the election of recorder, and shall give bond in favor of the mayor and his successors in office, in such amount as may be required by the council, and with sufficient securities, conditioned on the faithful discharge of his duties; it shall be the duty of the Treasurer to receive all monies belonging to said corporation and make all payments of the same; to keep regular accounts of their real and personal property; to collect the rents, dues and demands belonging thereto, once in every year, at such time as shall be directed by the said mayor and city council, to publish an account of the receipts and expenditures of the said treasury, provided that no payment be made by the said treasurer unless the same be authorised by a warrant drawn by the person exercising the functions of mayor, in pursuance of an order of the city council; And further provided, that the city council may enlarge or diminish the amount of the bond from time to time, as circumstances, and a proper attention to the revenues may require, and they deem proper.

Sec. 14. Be it further enacted, That the mayor of the city shall have a seal, to be called the seal of the mayorality of the said city, which shall be affixed to all proper official acts of the corporation; he shall by and with the consent of the council, appoint all measures, weights guagers, constables, wharfingers, scavengers, and other officers and ministers, who shall be directed by any ordinance of the said council; he shall have power to license all taverns and boarding houses, hackney coaches or oth-

er carriages for the conveyance of persons for hire and all carts, wagons and drays, for the carriage of goods, or other articles for hire, subject however, to such restriction as the said mayor and city council shall by ordinance direct, and that any person selling spiritous or vinous liquors by retail, or otherwise disposing of it in contravention of any ordinance; keeping a boarding house, tavern or lodging house for hire; driving or owning any coach, or carriage, for the conveyance of any person for hire, or any cart or dray, or other carriage, for the conveyance of any goods or other articles for hire, within the said city, without such license from the said mayor, shall for every such offense, forfeit the sum of twenty dollars, to be recovered in any court having cognizance thereof, one half to the use of the mayor, aldermen and inhabitants, and the other half to the use of any person who shall sue for the same, and the mayor shall be entitled to recover for every warrant or commission by him issued to any officer appointed by him, and for every license by him granted, the sum of two dollars and a-half, and also shall receive the additional recompense for his services, as is fixed in the third section of this act; the mayor shall superintend the police of said city, and make regulations for the watchmen and guard; he shall take care that the laws of said corporation be duly executed; he shall call meetings of the council whenever the affairs of the city shall require, and no order or resolution of the city council, for the disposal of any public property, or the payment of any monies, shall have any force, if the same be objected to within twenty-four hours after the passage thereof by the mayor, unless two-thirds of the said council agree to pass the same notwithstanding such objection; and for that purpose, all such resolutions shall be sent by the said council, to the mayor immediately after the same be passed.

Sec 15. Be it further enacted, That no members of said city council shall be appointed to any employment or office under the said corporation, which shall have been created, or the emoluments whereof shall have been increased by the council during the time for which he shall have been elected.

Sec. 16. Be it further enacted, That the city council be, and is hereby authorised to affix all kinds of fines, not exceeding the sum of one hundred dollars, as the case may require, for every offence against the by-laws and ordinances, which they are empowered to make, or have already made, pursuant to the said powers, the whole to be recovered by the Treasurer of the city before all judges or justices having cognizance thereof, and in case of nonpayment of the said fine or penalty the party sentenced to it, shall be subject to be committed to jail, until he has satisfi-

ed it; Provided, that the said imprisonment shall not exceed fifteen days.

Sec. 17. Be it further enacted, That in addition to the general powers vested in the mayor and aldermen of said city, to ordain and establish ordinances, regulations and by-laws, they shall have full power and authority to make and pass such by-laws or ordinances as they shall deem necessary to maintain the cleanliness and salubrity of said city; to secure the safety and convenience of passing on the streets and squares, ways, levees and other public roads; to fix the squaring and to prevent any encroachment on said public works; to determine the completion and dimensions; the maintainance and repairs of side ways or walks in the said streets, at the costs of proprietors of houses, lands or neighboring lots; to fix the place and the anchorage for ships and water crafts in the port of Galveston, leaving to the harbor master the care of attending to the execution of the regulations made on the subject; to establish an active system of inspection over the conduct of slaves; to establish a city guard or patrols; to provide, when the population of the city and its revenues will permit, for lighting the streets; to determine in what part of the city wooden chimneys shall not be allowed to be erected; to prevent gun powder being stowed within the city in such quantities as to endanger the public safety; to determine on the means to be resorted to, in order to extinguish conflagration and to prevent the same; to procure two or more fire engines for the corporation; to encourage the establishment of engine, companies, and to regulate the service of the persons employed in working fire engines, to prevent or to forbid theatres, balls, and other public amusements; to cause the theatres and other places for exhibitions and shows to be closed, whenever the preservation of order, public safety or tranquillity shall require it; to establish one or more market places, and to determine the mode of inspection of all comestibles, sold publicly, either in said market or markets, or other places; to regulate every thing which relates to bakers, butchers, tavern keepers or grog shops, and any other persons keeping public houses, draymen, horse drivers, water carriers and slaves employed as day laborers; to fix the salaries or rates of charges of the said draymen, horse drivers, water carriers and day laborers, and to make any other regulations which may contribute to the better administration of the affairs of the said corporation, as well as for the maintainance of the police, tranquillity and safety of the said city; to prohibit the establishment of any faro bank, or any bank where money is bet at any game of hazard or chance, either with cards, dice or any thing else what-

soever, as also to prohibit the establishment of roulette tables, and all other machines, instruments or thing used for gambling.

Sec. 18. Be it further enacted, That the mayor and city council of said city shall have power to assize bread made from wheat flour, and offered for sale in said city, regulating the same weekly, when necessary, agreeably to the market price of flour.

Sec. 19. Be it further enacted, That the corporate limits of the city of Galveston, be for the present and until otherwise provided, all that section of territory lying between seventh street and thirty-first street, including the harbour and anchorage of Galveston, and running from the front line on the bay, as defined in the patent or deed to the Galveston Company from the Government of Texas, to the gulf between the streets aforesaid, so as to extend the authority of the corporation over all the territory defined.

Sec. 20. Be it further enacted, That this act of incorporation, except in what relates to the formation of wards and to the number of aldermen, which number shall be one ward and five aldermen, is hereby made to extend to the city of Aransas, in the county of Refugio, and all laws or parts of laws which may contravene or conflict with this provision, are hereby repealed; Provided, that so far as the city or Aransas is concerned, all qualified voters for congress, residing within the limits of the corporation for six months, shall be entitled to vote for mayor, aldermen and other officers of the corporation of said city of Aransas.

Sec. 21. Be it further enacted, That so soon as may be, after the passage of this act, without attending to dates or periods of time, an organization of the municipal authorities of the city of Galveston, shall be made under the provisions of this act, and the proper and necessary officers elected, without this in any manner prejudicing the regular election which must take place next year, and all previous laws and parts of laws regulating or touching in any way, the incorporation of Galveston, which may contravene the provisions of this act of incorporation, are hereby repealed. inasmuch as relates to the said city of Galveston.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

Approved 5th February, 1840.

MIRABEAU B. LAMAR.

AN ACT

To create a body politic and corporate by the name of the Matagorda and Houston Chambers of Commerce.

Whereas, a large number of the merchants of the cities of Matagorda and Houston have petitioned that a charter be granted them, creating a chamber of commerce, and have set forth that such an institution is required by the mercantile community, as tending to diminish litigation and to establish uniform and equitable charges, and considering that the establishment of a chamber of commerce may thus tend to the general advantage of the citizens of this Republic, as well as for the furtherance of the commercial interest: Therefore,—

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That James H. Worland, G. W. Ward, William C. McKinstry, W. W. Stewart, C. L. Betts, Samuel B. Brigham, James W. Lann, A. Wadsworth, Thomas Stewart, W. H. Chester, Edward W. Saunders, Gideon R. Jaques, John B. Craig, J. W. Morse, Charles Howard and James P. Belknap, merchants of the city of Matagorda, their associates and successors be, and they are hereby declared to be, a body politic and corporate, by the name of the Matagorda Chamber of Commerce.

Sec. 2. Be it further enacted, That this act of incorporation shall be in force for and during the space of ten years from the passage thereof.

Sec. 3. Be it further enacted, That the said body corporate be, and the same is hereby authorised and empowered to form their own by-laws, rules and regulations for their own government, not contrary to the laws and constitution of this Republic, and to enforce the same against their members.

Sec. 4. Be it further enacted, That Thomas M. League, Henry R. Allen, Wm. D. Lee, J. Temple Doswell, T. Francis Brewer, George Gazley, E. Osborne, Charles J. Hedenburgh, John W. Pitkin, Charles Kesler, E. S. Perkins, Dewit Clinton Harris, merchants of the city of Houston, their associates and successors, be and they are hereby created a body politic and corporate with the name of Houston Chamber of Commerce, in accordance with the provisions of this act.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved January 28th, 1840.

MIRABEAU B. LAMAR:

JOINT RESOLUTION

For the payment of the Troops who served in the years 1838 and 1839.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the President be, and he is hereby required to order the paymaster general to pay all the troops who served in this Republic during the years 1838 and 1839, and the sum necessary for that purpose is hereby appropriated out of the appropriation of one million of dollars by an act to appropriate one million dollars for the protection of the frontier, and for other purposes, approved January 24th, 1839.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 14th January, 1840.

MIRABEAU B. LAMAR.

AN ACT

Supplementary to an act for the incorporation of the Town of Liberty.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the mayor of the town of Liberty shall have and exercise all the power and authority of a justice of the peace, in all criminal matters, arising under the criminal laws of this Republic, and the said mayor is hereby authorised and empowered to carry into effect, within the corporate limits of said town, all laws and ordinances passed by the trustees of the same, not inconsistent with the constitution and laws of this Republic.

Sec. 2. Be it further enacted, That the trustees of said town, (two-thirds of them concurring) shall have the entire control over bridges, ferries, fences and streets, and by a unanimous vote, may order new streets laid out, and old streets discontinued within the limits of said corporation.

Sec. 3. Be it further enacted, That no person shall be allowed to vote for trustees of said town, who is not a free holder or house holder within the corporate limits of the same.

Sec. 4. Be it further enacted, That the jurisdiction of said corporation shall extend over the square league of land, commencing on the east bank of the Trinity river, at the south-west corner of the league of land, known as the head-right of George Orr; thence three miles down said river, to the upper corner of M. G. White's league of land; thence three miles easterly, on the upper line of said White's survey; thence three miles northwardly to James Martin's survey; thence westwardly to the place of beginning; thence to commence at the southeasterly corner of the league of land, surveyed for and deeded to Beasley Prewitt; thence westwardly, following the lower line of said Prewitt's survey, to the back corner of the same; thence southwardly three miles, to the upper and back corner of the league of land surveyed for and deeded to Elizabeth Munson; thence following the upper line of said Munson's league, to the corner on the river; thence three miles up said river to the place of beginning; and one league of land in the prairie, so as to include the four leagues of land mentioned in the act for the incorporation of the town of Liberty, and all deeds, grants or acts done or made by the authority of the beforementioned acts, are hereby ratified and confirmed all laws and parts of laws to the contrary notwithstanding.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved 1st January, 1840.

MIRABEAU B. LAMAR.

AN ACT

To incorporate the Towns of Victoria, Goliad and Gonzales.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the citizens of the town of Victoria be, and they are hereby declared a body politic and corporate, by the name and title of the "Town of Victoria," and by that name may sue and be sued, plead and be impleaded, and may hold and dispose of real and personal estate in said town.

Sec. 2. Be it further enacted, That the bounds and limits of said town, and within which the said corporation shall exercise lawful jurisdiction, shall include and comprehend the four leagues of land on which the said town is now situated.

Sec. 3. Be it further enacted, That the qualified voters of said town shall elect members to form a town council, consisting of one mayor and four aldermen, and also a treasurer and collector. The mayor and aldermen shall appoint one or more constables, as may be necessary, and shall regulate their salaries or fees, and also a clerk or secretary, whose fees or salary shall be fixed by said council, and they, together with the treasurer and collector, shall give bond and security, to be approved, in the first election under this act, by the chief justice of the county, and ever after by (that of) the mayor and aldermen.

Sec. 4. Be it further enacted, That the first election under this act shall take place on the first Monday in March next,—notice thereof shall be given at least ten days by the chief justice of Victoria county, who shall appoint three judges and two clerks of said election, neither of whom shall be eligible to receive any office voted for at said election; Provided, that the said judges shall be the bona fide owners of real estate or house holders in said corporation; and the election ever after shall be held under the direction of the mayor and two of the aldermen, or in either case, in the absence or indisposition of the chief justice, or neglect of the mayor and aldermen, then and in that case, one of the associate judges of said county, and the mayor and aldermen and other officers, shall continue to hold their offices, until their successors in office shall be elected and qualified, and all officers elected under this act shall take an oath faithfully to discharge the duties of the office to which he is elected, and the elections, ever after the first, shall take place on the first Monday in January in each and every year.

Sec. 5. Be it further enacted, That no person shall be a member of said council nor be entitled to vote for any member thereof, who is not either a householder or the owner of real estate within the boundaries of said corporation, and who has not resided therein at least six months previous to the election, and paid up his town taxes.

Sec. 6. Be it further enacted, That the mayor, as president, with a majority of said council shall constitute a quorum for the transaction of business; they shall enact and enforce such ordinances and regulations as they may deem necessary for the government of said town; Provided, the same does not conflict with the constitution and laws of this Republic; they shall have power to pass by-laws, to regulate their own proceedings; shall have entire control of the police of the said town; they are authorised to levy and collect moderate and equitable taxes on all fixed and moveable property within their jurisdiction, and to make

rules and regulations for the recovery of the same, by summary process, before the mayor; Provided, the right of appeal is hereby secured to any party aggrieved, to the district court, on such terms as appeals are given to said court by law.

Sec. 7. Be it further enacted, That the said council are also authorised to grant licenses to persons retailing spiritous liquors; to keep billiard tables and others; Provided, there is no gaming establishment, nor any other contrary to law, shall be sanctioned or covered by such license.

Sec. 8. Be it further enacted, That the mayor and aldermen shall be commissioned by the chief justice of Victoria county.

Sec. 9. Be it further enacted, That the said council shall have power and authority to sell and alienate any portion of the lands owned by said corporation, and appropriate the proceeds thereof to the erection of a jail, court house, and clerk's office, and the remainder of said proceeds of said sales shall be appropriated for the purposes of education within said town and for no other purpose.

Sec. 10. Be it further enacted, That at the expiration of three days, after any election held under the provisions of this act, the chief justice of the county of Victoria, shall commission the officers hereinbefore provided for, unless the election is contested, in which case the person contesting the same, shall in writing, notify the person or persons elected, of the same, within three days after the election, specifying the grounds of contest, when the said contest shall be tried by the county court of Victoria county, and the said chief justice is hereby required to convene the court for that purpose, at the place of holding said court, and notify both parties of the time of trying the same, which shall be in not more than thirty, nor less than five days from the day the election was held on, and if the contest is sustained, a new election shall be ordered by the mayor and aldermen, or by the chief justice or one of the associate justices, as before herein provided, on giving (at least) ten days notice.

Sec. 11. Be it further enacted, That if, from any cause whatever, the election under this act should not be held on the day specified by this act, it may be held on any other day, by notice being given at least ten days by the mayor and aldermen, or chief justice or associate justices, as hereinbefore provided.

Sec. 12. Be it further enacted, That so much of an act incorporating the city of San Antonio, and other towns, and all amendments thereto, so far as relates to the town of Victoria be, and the same are hereby expressly repealed.

Sec. 13. Be it further enacted, That the provisions of this act shall extend to the towns of Goliad and Gonzales, and the chief justices of Goliad and Gonzales counties, and the associate justices of said counties, shall perform the same duties as are required by this act of the chief justices and associate justices of Victoria county.

Sec. 14 Be it further enacted, That no property belonging to said town tracts shall be sold until notice of said sale be given by publishing the same in some newspaper in this Republic for at least sixty days previous to the sale of said property, and not more than one fourth of said town lots and one fourth of said farm lots shall be sold during the present year.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved, 5th February, 1840.

MIRABEAU B. LAMAR.

AN ACT

To provide for the redemption of the Promissory Notes of the Government now in circulation, and for funding other liabilities of the Government.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the secretary of the Treasury be and he is hereby authorised and required, so soon as may be to procure to be engraved or lithographed, as he may deem best in order to prevent falsification, a sufficient number of certificates in blank, in such form and manner of wording as may best adapt them for use as certificates of stock in the funded debt of Texas, to be transferable by simple endorsement, and for sums of one hundred, five hundred and one thousand dollars, causing the proportion of the smallest denominations severally to exceed that of the largest.

Sec. 2. Be it further enacted, That all sums of the Promissory notes of this government in circulation, which shall be presented to the Stock Commissioner prior to the first day of July next ensuing, (if in sums to suit the denominations of the certificates, shall be admitted for funding, and certificates of stock as before provided shall be issued to the holder or holders of such

promissory notes for the amount so presented, which certificates so issued shall bear on the face of them an annual rate of interest of ten per cent. payable semi-annually in gold or silver at the Treasury department to the holder thereof; the first payment of interest to be made on the fifteenth day of December next, and said certificates shall be made redeemable at the pleasure of the government after the 30th day of June, 1845.

Sec. 3. Be it further enacted, That all other liabilities of the Government which may have been properly and regularly audited, shall be admitted for funding, and certificates for the same shall be issued by the Stock Commissioner bearing the same rate of interest of ten per cent. and payable semi-annually in gold or silver, the first payment of interest to be made on the first day of March 1841, and also redeemable at the pleasure of the government as provided in the foregoing section.

Sec. 4. Be it further enacted, That from and after the first day of July next ensuing, the Promissory notes of the Government which may be presented for funding, shall only be entitled to receive from the Stock Commissioner, certificates of stock bearing a rate of interest of eight per cent per annum, interest payable semi-annually in gold or silver, the first payment of interest to be made on the 15th day of April, 1841, and redeemable in the manner provided in the second section of this act.

Sec. 5. Be it further enacted, That it shall be the duty of the Stock Commissioner to keep such books of record and of account as the Secretary of the Treasury may direct, besides making and preserving proper files of all vouchers and evidences of debt which may be presented for funding, and also a book in which all persons, who may fund Promissory notes or other liabilities of the government, shall subscribe his, her, or their names and proper and usual signatures, opposite to the recorded numbers of the certificates of stock which he, she or they may have issued to them, and receive from the Stock Commissioner; which books shall only be subject to the inspection of the Secretary of the Treasury and the Treasurer.

Sec. 6. Be it further enacted, That so much of all previous laws which have been enacted, as in their provisions conflict with this, be and the same are hereby repealed.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

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REPUBLIC OF TEXAS.

I the undersigned Secretary of State of the Republic of Texas, do hereby certify that the Regular Session of the Fourth Congress of the Republic aforesaid, adjourned on the fifth day of February, eighteen hundred and forty.

Given under my hand and seal of office at the city of Austin, this twentieth day of August, A. D., one thousand eight hundred and forty.

ABNER S. LIPSCOMB.

ERRATA.

Page.

- 10 14th line from bottom, for 'or as agents or otherwise,' read 'or as agents or attorneys.'
- 43 7th line from bottom, for 'every document' read 'every official document.'
- 84 9th line from top, for 'by hand or obligation,' read 'by bond or obligation.'
- 87 3d line from top, for 'Fannin County,' read 'Fannin Court House.'
- 87 7th line from top, for 'Houston to Swartwout,' read 'Houston to Stubblefields.'
- 87 15th line from bottom, for 'Huntsville to Swartwout,' read 'Huntsville to Stubblefields.'
- 67 10th line from bottom, for 'such funds,' read 'such bonds.'
- 71 22th line from top, for 'used by,' read 'issued by.'
- 73 9th line from top, for 'and resolutions,' read 'and reservations.'
- 73 20th line from top, for "of the settee," read 'of the latter.'
- 73 20th line from top, for 'changed,' read 'charged.'
- 91 2d line from top, for 'any error of such excess,' read 'any error growing out of such excess.'
- 127 22nd line from top, for 'show why,' read 'show cause why.'
- 156 2d line in section 7, for 'shall from time communicate,' read 'shall from time to time communicate.'
- 163 10th line from bottom, after 'An Act,' read 'to incorporate the Trinity Coal and Mining Company.'
- 168 3d line in section 3d, for 'concealing,' read 'cancelling.'
- 170 3d line 12th section, for 'respectively found,' read 'respectfully proved.'
- 176 10th line from bottom, after 'several' read 'Judicial.'
- 179 3d line from bottom, after the word 'same,' read 'not leaving.'
- 184 19th line from bottom, for 'designed,' read 'designated.'
- 186 11th line from bottom, for 'survived,' read 'surveyed.'
- 192 8th line from bottom, for 'assignee,' read 'assigns.'
- 227 10th line from top, for 'every,' read 'any.'
- 248 9th line from top, for 'with,' read 'within.'
- 253 1st line from bottom, after 'authorised,' read 'and required.'
- 267 13th line from top, for 'decision,' read 'discussion.'
- 268 14th line from top, for 'notes,' read 'votes.'
- 272 11th line from top, for 'works,' read 'walks.'
- 277 37th line from top, for 'exact,' read 'enact.'
- 280 At bottom, after President of the Senate, read 'Approved, February 5th, 1840.'

MIRABEAU B. LAMAR.'



L A W S

OF THE

REPUBLIC OF TEXAS

PASSED AT THE

SESSION OF THE FIFTH CONGRESS

PRINTED BY ORDER OF THE SECRETARY OF STATE.

HOUSTON.
1841



L A W S.

JOINT RESOLUTION

Granting further time for the payment of Government Dues, and the return of Field Notes.

Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the further time of twelve months, is given for the payment of government dues, and the return of field notes to the General Land Office, on all lands surveyed by virtue of certificates issued by the Board of Land Commissioners, created by the Laws of this Republic: Provided, however, That in no case shall a patent to any lands issue until all the government dues thereon shall have been paid.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved December 10th, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Requiring the Treasurer to pay five thousand dollars out of the appropriations for the Quartermaster and Postmaster's Departments, for the contingent expenses of the two houses of Congress.

Section 1. Resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled. That the Treasurer be required to pay five thousand dollars out of the appropriations for the Quartermaster and Postmaster's

Departments for the contingent expenses of the two houses of Congress.

Sec. 2. Be it further resolved, That this Joint Resolution take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 12th December, 1840

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Appropriating five thousand dollars for the Contingent Expenses of both houses of Congress.

Resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the sum of five thousand dollars, be, and the same is hereby appropriated for the contingent expenses of both houses of congress.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved December 12th, 1840.

MIRABEAU B. LAMAR.

AN ACT

Concerning certain Free Persons of Color.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That Samuel McCulloch, jr., and his three sisters, to wit:—Jane, Harriet and Mahaly, and their descendants, better known as the free children of Samuel McCulloch, senr., now in the Republic of Texas, together with a free colored girl, known by the name of Ulde or Huldir, a member of said McCulloch's family, be, and the same are hereby from henceforth, exempted from all the provisions of "an act concerning free persons of color," approved fifth of February, one thousand eight hundred and forty.

Sec. 2. Be it further enacted, That the aforesaid free persons, be, and hereby from henceforth, are permitted and allowed to continue their residence within the bounds of the Republic of Texas.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved December 15th, 1840.

DAVID G. BURNET.

AN ACT

Supplementary to "An act to detect Fraudulent Land Certificates, &c.," passed, January, one thousand eight hundred and forty.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That it shall be the duty of the Treasurer of this Republic to pay to each of the three travelling commissioners, elected to fill the vacancies in the Board of Commissioners east of the Brazos river, created by the act to which this is a supplement, the sum of five hundred dollars, as an advance upon their salaries, so soon as they may apply after being commissioned.

Sec. 2. Be it further enacted, That this act shall be in force and take effect from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved 15th December, 1840.

DAVID G. BURNET.

JOINT RESOLUTION

Transferring funds appropriated for the Cavalry to the Infantry.

Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That sixty thousand dollars of the unexpended amount of the appropriation of the year 1840 of the cavalry pay, be, and the same is hereby

transferred to the Quartermaster and Commissary General's Departments for the purchase and payment of subsistence, for the men now in the field under the orders of the Government.

Sec. 2. Be it further resolved, That this law take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved 15th December, 1840.

DAVID G. BURNET.

AN ACT

Concerning the powers of Chief Justices of the County Courts.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Chief Justices of the County Courts shall have power to grant the same remedial process, as a District Judge, in all matters arising from or originating in the Justices' Courts, and all such process shall be returnable to the District Court.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved 18th December, 1840.

DAVID G. BURNET.

JOINT RESOLUTION

Requiring the Postmaster General not to close the Mail contracts for the year 1841.

Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Postmaster General, be, and he is hereby required to suspend the closing of mail contracts for the year eighteen hundred and

forty-one, until the twenty-sixth instant, and that this Resolution shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved 19th December, 1840.

DAVID G. BURNET.

JOINT RESOLUTION

Granting a League of Land to the heirs of Jesse Thompson, deceased.

Whereas, the state of Coahuila and Texas, did on the eleventh of February, one thousand eight hundred and thirty-one, grant to Jesse Thompson, one league of land as an augmentation to his headright league, and whereas it appears, from the Land Office, that said land has never been located, Therefore,—

Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the heirs of Jesse Thompson, are entitled to one league of land, to be located and surveyed upon any of the unappropriated lands of Texas, and the Commissioner General of the Land Office, is hereby specially authorised to issue a certificate in the name of said heirs, for the above amount of land, which certificate shall be competent evidence.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved December 21st, 1840.

DAVID G. BURNET.

AN ACT

To provide for the Navigation of the Guadalupe River.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Mayor and Aldermen of the Corporation of Victoria,

be, and they are hereby authorised and empowered to employ the necessary number of engineers, surveyors, superintendants and laborers, to effect the removal or avoidance of the raft or other obstructions in the Guadalupe River, from its entrance into the Bay or Gulf of Mexico to said town of Victoria, or to the town of Gonzales, or any other intermediate point

Sec. 2. Be it further enacted, That said Mayor and Aldermen or their agents under them, shall have power to enter in and upon, and survey, mark out and appropriate for effecting the object contemplated in this act, any lands which may be required for the purpose of a canal or channel around the now existing raft in said River; and should the said Mayor and Aldermen or their properly constituted agents, not be able to make arrangements with the owner or owners of the said land through which it may be necessary to run said improvements, or should said owner or owners not be capable of contracting, or be absent or unknown, the Mayor and Aldermen may petition the Chief Justice of the county in which said land is situated, giving a description of the lands which they deem necessary and indispensable for their operations, with the names of the proprietor or proprietors if they can be ascertained, and the Chief Justice shall then summon a jury of six freeholders, not of the Mayor and Aldermen, who shall make a report of the land so required, and by the payment thereof by the Mayor and Aldermen, either to the owner or the Treasurer of the county for the use of the person or persons incapable of contracting, absent or unknown, a good and bona fide release and title shall be decreed and granted by said Chief Justice to said Mayor and Aldermen, until they shall have re-imbursed themselves by the collection of reasonable tolls, provided for in this act, after which it shall be deemed and become a public highway; and a copy of said decree of said Chief Justice, shall be recorded in the recorder's office of the county in which the land is situated; Provided, That the land so required, shall not exceed fifty yards in width.

Sec. 3. Be it further enacted, That said Mayor and Aldermen, shall have power and authority to appropriate to the improvement of the navigation of the Guadalupe River, as aforesaid, a sufficient amount of the funds derived, and to be derived from the sale of lots in said town of Victoria, and also to negotiate and contract loans and accept of donations for that purpose.

Sec. 4. Be it further enacted, That said Mayor and Aldermen, shall levy and collect reasonable tolls on all Steamboats or other crafts plying on the said river, from its mouth to the town of Victoria, until a sufficient amount shall have been thus raised, and no longer, to re-imburse with ten per cent. interest,

the corporation fund aforesaid, derived from the sale of lots; and also for the payment with interest of the loan or loans, which may have been made to effect the said improvement.

Sec. 5. Be it further enacted, That the Treasurer who shall be appointed by said Mayor and Aldermen, to have in charge the monies raised and to be expended under the provisions of this act, shall enter into bond with good security, made payable to and approved by the Chief Justice of Victoria county, in the sum of ten thousand dollars, conditioned for the honest discharge of his duties.

Sec. 6. Be it further enacted, That this act shall take effect and be in force, from and after its passage, and all laws and parts of laws contravening the provisions of this act, are hereby repealed.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,

President pro tem. of the Senate.

Approved December 22d, 1840.

DAVID G. BURNET.

AN ACT

Supplementary to "An act to repeal a portion of 'an act creating funds for the support of the Government for the year 1840,' " approved 10th December 1840.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That it shall be the duty of the Secretary of the Treasury to issue a sufficient amount of the eight per cent. bonds of the government, to fill the amount of appropriations and transfer of appropriations, made since the meeting of the present congress, any law to the contrary notwithstanding.

Sec. 2. Be it further enacted, That the sum of thirty thousand dollars, be, and the same is hereby appropriated for the payment of the civil list and the members of the present congress.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,

President pro tem. of the Senate.

Approved December 24th, 1840.

DAVID G. BURNET.

AN ACT

To exempt the citizens of West Columbia, from the provisions of "An act incorporating the Town of Columbia," passed December twenty-ninth, one thousand eight hundred and thirty-seven.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the inhabitants of that part of the town of Columbia known as the Prairie Settlement, be, and the same are hereby separated from the said town, and exempted from all the provisions of "An act incorporating said town," passed December twenty-ninth one thousand eight hundred and thirty-seven.

Sec. 2. Be it further enacted, That the limits of said corporation, shall hereafter extend one and a fourth miles from Fourteenth street, on a parallel line with said street, and shall in all other respects be according to the said act of incorporation.

Sec. 3. Be it further enacted, That so much of the said act of incorporation as contravenes the provisions of this act, be, and the same is hereby repealed.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved December 24th, 1840.

DAVID G. BURNET.

AN ACT

Appropriating four thousand dollars for the purpose therein named.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Secretary of the Treasury, be, and he is hereby authorized to issue four thousand dollars of the eight per cent. bonds.

Sec. 2. Be it further enacted, That the amount of the above-mentioned bonds, so issued as aforesaid, be, and the same are hereby appropriated for the transportation of ammunition to the post at San Antonio, and for the purchase of three Spy Horses at that place, and that the Quartermaster General, be, and he is hereby authorized to receive the same, to be disbursed for that purpose.

Sec. 3. Be it further enacted, That this law shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved December 24th, 1840.

DAVID G. BURNET.

AN ACT

To amend "An act to suppress Gaming."

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, the third line of the fourth section of an act entitled "An act to suppress gaming," approved fifth of February, one thousand eight hundred and forty, be so altered and amended, as to read, "bank or banks," in the third section of this act enumerated.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved December 24th, 1840.

DAVID G. BURNET.

JOINT RESOLUTION

Authorising the President to employ three Spy Companies, for the Western Frontier.

Sec. 1. Resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the President be, and he is hereby authorised to appoint and commission, three persons to raise fifteen men each, to act as Spies upon the Western and North Western Frontier of this Republic, for the space of four months, unless the President shall think their services can be dispensed with in a shorter period.

Sec. 2. Be it further resolved, That this resolution be in force and to take effect from and after is passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved December 26th, 1840.

DAVID G. BURNET.

JOINT RESOLUTION

Making an appropriation to defray the Civil Contingent expenses of Government.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That fifteen thousand dollars of the eight per cent. bonds, be, and the same is hereby appropriated for the payment of all civil contingent expenses of Congress and Departments of Government.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved December 29th, 1840.

DAVID G. BURNET.

AN ACT

For the election and appointment of Sheriffs.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That whenever the offices of Sheriff and Coroner both become vacant by death or resignation or other cause, immediately preceding or during the regular Session of the District Court, it shall be the duty of the Judge of the District Court, to appoint a Sheriff pro tem., to hold his office until such time as a successor may be elected by the qualified voters of the particular county.

Sec. 2. Be it further enacted, That whenever the office of Sheriff becomes vacant by resignation or otherwise, it shall be the duty of the Chief Justice of the county to hold an election at the several precincts of the county, to fill such vacancy, upon giving ten days notice immediately preceding such election.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved December 30th, 1840.

DAVID G. BURNET.

AN ACT

To define in part the duties of Judges of District Courts.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That if any Judge of any of the Judicial Districts of the Republic shall fail, neglect or refuse to hold his Court at the time and place as required by law, he shall for each and every Court, that he may so fail, neglect or refuse to hold in his District as aforesaid, forfeit to the Government the sum of Five hundred Dollars, to be deducted from his annual salary.

Sec. 2. Be it further enacted, That the Judge so failing to hold his Court or Courts as aforesaid, shall make and subscribe his affidavit in writing, that such failure resulted alone from sickness, or the public enemy, (provided nothing herein shall operate upon a Judge for not holding his court in a depopulated county that rendered him unable to attend,) which said affidavit shall be attached to his draft on the Treasury.

Sec. 3. Be it further enacted, That in every case where the Judge of the District Court shall fail to attend and hold his court as now provided by law, the Chief Justice of the county in which such failure occurs shall forthwith report the same under his seal of office to the Secretary of the Treasury: which report shall be a sufficient voucher for the treasurer to withhold the amount specified in this act for such failure, except such excuse is present-

ed as herein provided for, anything in the Laws to the contrary notwithstanding.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved December 30th, 1840.

DAVID G. BURNET.

AN ACT

To extend to those soldiers who served in the Campaign against San Antonio in the fall of one thousand eight hundred and thirty-five, a Donation of Land.

Whereas it appears that all the secretaries of War previous to the appointment of General Johnston, had granted to all soldiers who had served against San Antonio, and were engaged in the storming of that place in the fall of one thousand eight hundred and thirty-five, a bounty warrant for three hundred and twenty acres of land; and it also appears that nearly all of said soldiers had obtained their bounty land previous to the appointment of General Johnston, and there now remains but a few who have not obtained their claims, General Johnston and his successor having refused to grant said claims on account of the law not being sufficiently explicit; and it is but just, that the few who have not obtained their claims should be relieved; therefore,

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all those soldiers who entered Bexar between the fifth and tenth of December one thousand eight hundred and thirty-five, and actually assisted in the reduction of that place and remained there until the surrender of General Cos, and honorably discharged from the service, shall be entitled to three hundred and twenty acres of land, the same as though they had served out their time of three months.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved December 30th, 1840.

DAVID G. BURNET.

JOINT RESOLUTION

To continue the transportation of the Mails for a limited time.

Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Postmaster General be, and he is hereby required to continue the transportation of the mails on the mail routes as at present fixed by law, until the adjournment of the present session of Congress.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved December 31st, 1840.

DAVID G. BURNET.

AN ACT

To provide the method of filling the office of City Recorder.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, whenever the office of Recorder in either of the incorporated towns or cities of the Republic shall become vacant by resignation or other cause, the board of Aldermen shall have power to elect a successor.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved January 4th, 1841.

DAVID G. BURNET.

AN ACT

For the regulation of the Coasting Trade and the protection of Texian Shipping.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That no merchant vessel shall be permitted to assume the Flag of

this Republic, unless owned by a citizen or citizens of the same. Nor can such vessel be commanded, after assuming it, save by a citizen of the Republic, and each and every Vessel or Boat over eight tons burthen, before sailing under the aforesaid Flag, shall be enrolled at the Custom House of some port of the Republic, and be required to take out a register or coasting license according to the rules and regulations and under the responsibilities and restrictions observed in the United States of America, so far as they are compatible with the statutes of this Republic.

Sec. 2. Be it further enacted, That the enrollment and the register or license of every merchant Vessel sailing under the Flag of this Republic shall specify her name, class, description, admeasurement and burthen, and shall also state whether she be of domestic or foreign construction; and if the former, shall state when and in what part of the Republic she was built, and before any Vessel shall be enrolled as being of domestic construction, the fact shall be proven, and the time and place of her building stated in an affidavit signed and sworn to by two creditable and disinterested witnesses before the collector enrolling, or some other competent functionary; which affidavit shall be filed in the office of enrollment.

Sec. 3. Be it further enacted, That all Vessels built in this Republic and sailing under the Texian Flag, shall be free of every kind of tonnage duty, and shall be subject to the payment of no other fees than those specified in the tariff of fees heretofore established by law.

Sec. 4. Be it further enacted, That any Vessel built in a foreign country, on becoming the property of a citizen or citizens of the Republic, may be enrolled under the flag of the same, and be employed either in the foreign or coasting trade, but if engaged in the latter, under a coasting license, she shall pay on the expiration of the term of her license, an annual tonnage duty, of thirty-seven and a-half cents for each ton of her burthen, for which the vessel and her securities shall be bound in the bond of her license, and in case that her license be returned within the year of its term, the said tonnage duty shall be recovered only in proportion to the time which shall have elapsed, between the date of the license and the date of its relinquishment; or if the license be returned in consequence of wreck, it shall be paid in proportion to the time elapsed between the date of her license and the time, if duly proven, of her being lost; any such foreign vessel so adopting the flag of the Republic, shall for her enrolment, and register or license, and for a coasting clearances and entrances, while under coasting license, be subject to the payment of fees of double the amount of those payable by the Texian vessels of domestic construction.

Sec. 5. Be it further enacted, That any foreign vessel, without changing her owner, master or flag, by giving a bond conditioned and secured as required in the case of licensing coasting vessels, in the United States of the North, and depositing her register with the collector of a port of this Republic, may receive from him a license to carry on the coasting trade of the Republic, and no other, for the term of six months, which license may be relinquished for the aforesaid register within (or at the end of) the term, or may be renewed; and the collector, on granting or renewing such license shall recover from such vessel a semi-annual tonnage duty of sixty-two and a half cents for each ton of her burthen, no part of which shall be refunded, though her license should be relinquished within its term, and every such vessel while so licensed shall pay for her license and for all coasting clearances and entrances, fees of double the amount of those paid by a licensed coaster of domestic construction.

Sec. 6. Be it further enacted, That any foreign vessel without changing her owner, master, flag or register may receive at a port of the Republic a cargo either of domestic or foreign produce, and land the same at another port of the Republic, and from each foreign vessel on making under her register such coastwise voyage from one port of the Republic to another, with cargo received at the former, there shall be collected at the port of her coastwise entrance a tonnage duty of fifteen cents for each ton of her burthen, and she shall, while engaged in any such coastwise voyage with cargo so received, be subject to the payment of fees for her clearance and entrance of double the amount allowed for clearance to, and entrance from a foreign port, in the Tariff of fees heretofore established by law.

Sec. 7. Be it further enacted, That no vessel bearing the Flag of the Republic, and sailing under a register, whether she be of domestic or foreign construction, shall be subject to the payment of tonnage duty, nor of higher fees for entrance from and clearance to a foreign port, than those specified in the tariff of fees established by law. Any Texian vessel of domestic construction on making a coasting voyage under register shall pay for a coastwise clearance and entrance, the same fees, as if to and from a foreign port; and if the vessel be of foreign construction, and under the Flag of the Republic, she shall in case of a coasting voyage under register, pay fees for such clearance and entrance of double that amount.

Sec. 8. Be it further enacted, That every vessel or boat of more than four tons burthen, on sailing from one port of the Republic to another, without cargo, with or without a coasting license, shall report verbally, and clear in the same manner; but if

with cargo of domestic produce for home consumption, the nature of her cargo shall be briefly expressed in writing, and if laden with foreign merchandize or with cotton or other articles of domestic produce for exportation out of the Republic the articles of the cargo must be expressed in a manifest in a form similar to that observed in the United States of the North, and a duplicate of such manifest shall be left in the custom house where she cleared.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved January, 4th. 1841.

DAVID G. BURNET.

JOINT RESOLUTION

Transferring a certain Appropriation.

Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the sum of ten thousand dollars which was appropriated for the purpose of a volunteer expedition against the hostile Indians upon the Brazos river, be, and the same is hereby transferred for the purpose of raising and subsisting any force that the President may authorize to be raised for said expedition.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved January 6th, 1841.

DAVID G. BURNET.

AN ACT

Providing the mode of appointing Wreck Masters and prescribing their duties.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Chief Justices of the several counties on the Sea Board of this Republic, be, and they are hereby authorized to appoint

one or more persons, not exceeding three in one county, of good moral character, to act as wreck master or masters, within the county.

Sec. 2. Be it further enacted, That it shall be the duty of any person or persons who may be appointed by the provisions contained in the first section of this act, to repair as soon as practicable after hearing of any wreck, to the place of such wrecked vessel or property, to look after and do all in their power to save and protect the same. He or they shall keep a true account and take into custody all the property, and shall note briefly the circumstances under which it was saved, and the names of persons and the time they were employed in saving the same; of which account, a copy shall be presented to any court before whom the cause for salvages may come.

Sec. 3. Be it further enacted, That any person or persons so appointed shall give a good and sufficient bond and security in such amount as may be deemed proper by the Chief Justice, by whom he or they may have been appointed, for the faithful discharge of the duties prescribed by this act; he or they shall receive five per centum commission upon the amount of sales after the expenses are deducted, and before the part allowed for salvages is appropriated, with such reasonable expenses as may be allowed by the Judge of the court before whom the case may be determined.

Sec. 4. Be it further enacted, That it shall be the special duty of any one appointed a wreck master, to prosecute before the proper tribunal, any person or persons guilty of wasting or embezzling any property coming under the description of wrecked property.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved 8th January, 1841.

DAVID G. BURNET.

AN ACT

Concerning Divorce and Alimony.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled. That the several District Courts within this Republic, shall have

jurisdiction to hear and determine suits for the dissolution of marriage, where the causes alleged thereof shall be natural or incurable impotency of body at the time of entering into the marriage contract, and shall have power and authority to decree the marriage to be null and void.

Sec. 2. Be it further enacted, That the courts aforesaid are hereby invested with full power and authority to decree divorce from the bonds of matrimony in the following cases, that is to say, in favor of the husband where his wife shall have been taken in adultery, or where she shall have voluntarily left his bed and board, for the space of three years with intention of abandonment. In favor of the wife where the husband shall have left her for three years with intention of abandonment, or where he shall have abandoned her and lived in adultery with another woman.

Sec. 3. Be it further enacted, That a divorce by separation from the bonds of matrimony may be decreed in the following cases; that is to say, where either the husband or wife is guilty of excessive cruel treatment, or outrages towards the other, if such ill treatment is of such a nature, as to render their being together insupportable.

Sec. 4. Be it further enacted, That in all suits and proceedings for divorce from the bonds of matrimony, the defendant shall not be compelled to answer upon oath, nor the petition be taken "for confession" for want of an answer, but the decree of the court shall be rendered upon full and satisfactory evidence independent of the confession or admission of either party, and upon the verdict of a jury affirming the material facts alleged in the petition, and the court pronouncing a decree of divorce from the bonds of matrimony shall also decree and order a division of the estate of the parties in such way as to them shall seem just and right, having due regard to the rights of each party and their children, if any: provided however that nothing herein contained shall be construed to compel either party to divest him or herself of the title to real estate or slaves.

Sec. 5. Be it further enacted, That a divorce from the bonds of matrimony, shall not in anywise affect the legitimacy of the children thereof, and it shall be lawful for either party after the dissolution of the marriage to marry again.

Sec. 6. Be it further enacted, That pending any suit for a divorce, the court may make such temporary orders respecting the property and parties as they shall deem necessary and equitable.

Sec. 7. Be it further enacted, That either party may take testimony by depositions of witnesses residing within as well as without the county in which the suit is pending, under the same

rules, regulations and restrictions, as exist in other suits, and the court may award costs to the party in whose behalf the sentence or decree shall pass, or that each party shall pay his or her own costs as to the court shall appear reasonable, and that either party may obtain an appeal to the supreme court from any decree made in any suit under this act, in the same manner as in other suits, without bond and security, if the situation of the party appellant shall render it necessary for the purposes of justice that an appeal should be thus prosecuted.

Sec. 8. Be it further enacted, That if the wife, whether complainant or defendant, has not a sufficient income for her maintenance during the pendency of the suit for a divorce, the judge shall allow her a sum for her support proportional to the means of the husband, until a final decree shall be made in the case.

Sec. 9. Be it further enacted, That on and after the day on which the action for divorce, shall be brought, it shall not be lawful for the husband to contract any debts on account of the community, nor to dispose of the lands or slaves belonging to the same; and any alienation made by him after that time shall be null and void, if it be proved to the satisfaction of the judge and jury that such alienation was made with a fraudulent view of injuring the rights of the wife.

Sec. 10. Be it further enacted, That at any time during a suit for divorce, the wife may for the preservation of her rights, require an inventory and an appraisement to be made of both the real and personal estate which are in the possession of the husband, and an injunction restraining him from disposing of any part thereof in any manner.

Sec. 11. Be it further enacted, That where a divorce from the bonds of matrimony is prayed for on the ground of adultery, when the marriage was solemnized abroad, it must clearly and distinctly appear to the satisfaction of the court and jury, that both parties were inhabitants of this Republic at the time the adultery was committed, and to entitle a party to sustain a petition for such divorce, he must be an actual and bona fide inhabitant of this republic at the time of the adultery committed, and at the time of exhibiting his petition.

Sec. 12. Be it further enacted, That in any suit for a divorce for the cause of adultery, if it shall be proved that the complainant has been guilty of the like crime, or has admitted the defendant into conjugal society or embraces after he or she knew the criminal fact, or that the complainant (if the husband) allowed of his wife's prostitution or exposed her to lewd company, whereby she became ensnared to the crime aforesaid, it shall be a good de-

fence and a perpetual bar against said suit; or if it appears to the court and jury that the adultery complained of is occasioned by collusion of the parties, and done with intention to procure a divorce, or where both parties shall be guilty of adultery, then no divorce shall be decreed.

Sec. 13. Be it further enacted, That the several district courts aforesaid shall have power in all cases of separation, between man and wife, to give the custody and education of the children to either father or mother, as to them shall seem right and proper, having regard to the prudence and ability of the parents, and the age and sex of the child or children to be determined and decided on the petition of either party, and in the meantime to issue any injunction or make any order that the safety and well being of any such children may require.

Sec. 14. Be it further enacted, That this act shall be in force and take effect from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved 6th January, 1841.

DAVID G. BURNET.

AN ACT

To amend the act which provides the mode of taking Testimony by Interrogatories, to provide a mode for taking Depositions.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the act to provide for taking testimony by interrogatories approved December 18th, 1837, be, and the same is hereby so amended as to require the appointment of one or more commissioners, before whom interrogatories and cross interrogatories shall be answered, but such commissioner or commissioners shall be either a district judge, a chief justice of the county court or two justices of the peace.

Sec. 2. Be it further enacted, That any party to a suit may take the deposition of a witness after having given the opposing party, his agent or attorney, five days' notice of the time and place at which such deposition will be taken, provided however that an additional notice of one day shall be given for every twenty miles that such party, his agent or attorney may reside from the place at which the depositions may be taken.

Sec. 3. Be it further enacted, That the depositions of witnesses residing in the county in which the suit may be pending, shall be considered as taken *de bene esse*.

Sec. 4. Be it further enacted, That in case any person may anticipate the institution of a suit, in which he may be interested, and such person may desire to perpetuate the testimony of any aged and infirm witness, or any witness about to leave the Republic, he may take the deposition of the witness by giving the person to be thereby affected, the notice prescribed by this act.

Sec. 5. Be it further enacted, That in all cases in which the depositions of a witness is to be taken, it shall be necessary to serve the opposite party with the interrogatories to be propounded to such witness, who may file his cross interrogatories.

Sec. 6. Be it further enacted, That the deposition of a witness shall be taken before a judge of the district court, chief justice of the county court, or two justices of the peace, and such officer or officers may issue a subpoena to a sheriff or constable, requiring him to summon the witnesses to appear before him, to answer interrogatories, or to appear at the time and place appointed to take his deposition, and may enforce his attendance by any means allowed by the law, to the district court; and if such witness so summoned fails to appear, he shall be answerable to the party injured, for all damages he may sustain in consequence of such failure.

Sec. 7. Be it further enacted, That when the deposition be taken, or the interrogatories be answered before justices of the peace of a county other than that in which the suit may be pending, or may be anticipated, the chief justice of said county shall under his seal of office, certify that the person before whom the deposition was taken, or the interrogatories were answered, are duly qualified justices of the peace.

Sec. 8. Be it further enacted, That any party being dissatisfied with the answers of the witness to interrogatories, or with his deposition when taken, may require the witness to answer other interrogatories or may take his deposition *de novo*.

Sec. 9. Be it further enacted, That this act be in force and take effect from and after its passage.

DAVID S. KAUFMAN.

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved January 9th, 1841.

DAVID G. BURNET.

AN ACT

To dispose of the Public Buildings in the City of Austin.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That it shall be the duty of the secretary of the treasury at the next public sale of lots in the city of Austin to offer for rent or to sell all the lots and public buildings thereon, now occupied as public offices, lying below Pecan street in said city; provided, they can be sold for the costs of the same at public auction, except the buildings occupied as a treasury department, and the buildings occupied as a general land office.

Sec. 2. Be it further enacted, That all the public buildings situated above Pecan street in said city, and not occupied by or required for public offices or for public store rooms, shall be rented out for one year to the highest bidder, by the direction of the President, on the first Monday in February next.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved January 9th, 1841.

DAVID G. BURNET.

 AN ACT

To Incorporate the Harrisburg Rail Road and Trading Company.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That a company be, and the same is hereby created a body corporate and politic, with the name and style of "The Harrisburg Rail Road and Trading Company," with power to sue and be sued, to plead and be impleaded in any court of law or equity, to have a common seal and at pleasure to change the same, to contract, hold, regulate and control a rail road, from Harrisburg to the river Brazos, on such route and to such point as they may select; and that nothing in the provisions of this bill, be so construed as to authorize the importation of any goods, wares or

merchandise free of duty, other than the engines, machinery, and other materials necessary for the completion of the rail road.

Sec. 2. Be it further enacted, &c., That the capital stock of the company shall not exceed six hundred thousand dollars, and shall be divided into shares of one hundred dollars each, but the company may be organized and may commence operations when one thousand shares shall have been taken, for the purpose of letting out the stock as aforesaid. James B. Miller and A. Hodge of Fort Bend county, James Love and N. F. Williams of Galveston county, Stephen Richardson, DeWitt Clinton Harris, A. Briscoe, and Robert Wilson, of Harris county, are hereby created a board of directors, who, after choosing a president from their own body, and employing a secretary and treasurer, shall devise a plan for disposing of the stock of the company, which they shall make public by advertisement in at least three newspapers published in the Republic, and shall continue to let out stock at least thirty days, after which they shall close the books at discretion, when one thousand shares, or more shall have been taken; whereupon they shall call an election by the stockholders of a board of nine directors to whom they shall surrender the business of the company, and who shall hereafter control the same and dispose of the remaining stock as they think best.

Sec. 3. Be it further enacted, &c., That a board of directors shall be chosen annually as nearly as may be, by a plurality of the votes of the stock represented, and shall hold their offices till their successors shall be duly chosen: every member of the board of directors must be the holder in his own right, of at least twenty shares of the capital stock of the company: the board of directors shall have power to control the whole business of the company, and to adopt such by-laws and regulations as they may think advisable, to appoint and discharge their several officers and agents, and to fix their salaries; they shall, by a majority of their number, choose from their own body, a president, and shall meet at Harrisburg at regular intervals for the transaction of business, when five members, including the president, or six without him, shall constitute a quorum.

Sec. 4. Be it further enacted, &c., That the board of directors shall keep a secretary and treasurer of the company, whom they shall appoint and discharge at pleasure, and whose duties they shall define.

Sec. 5. Be it further enacted, &c., That in all elections by the stockholders, every stockholder shall have one vote for each of the first ten shares which he may hold, two votes for every three of the next thirty shares, and one vote for every four shares which he may hold over one hundred. In all voting by the board of directors, every member shall have one vote when present.

Sec. 6. Be it further enacted, &c., That the stock of the company shall be personal property, and assignable only on the books of the company, and may in all cases be represented by attorney. The stock book shall be always open to the inspection of every person, and the accounts and proceedings of the company, shall be always opened to the stockholders; and to any person with the authority of congress.

Sec. 7. Be it further enacted, &c., That any member of the board of directors who shall be guilty of dishonest, or unfair dealing, in letting out the stock of the company, to the prejudice of another stock-holder, shall be guilty of a misdemeanor, and on conviction thereof before the district court, shall be punished by fine and imprisonment at the discretion of the court; any officer or agent of the company who shall be guilty of any dishonest use of his office, or employment, or of the employing of the money or property of the company or any unauthorized use, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine and imprisonment, at the discretion of the court; any person who shall wilfully injure or deface any of the works of the company, or throw or place any impediment in the way of the use thereof, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine and imprisonment, at the discretion of the court.

Sec. 8. Be it further enacted, &c., That when the company shall have laid off their rail road or any section thereof, they may file a plot thereof with the county surveyor of the county through which the same may run, and cause the same to be spread on the county map, after which they may bring suit in the county court to have condemned to their use a tract, fifty feet in width including the line of their intended rail road, and in their petitions describing the land through which the road is intended to pass, (such as they shall not be able to obtain from the owners thereof, without suit,) by the names of the original grantees thereof, and shall cause their petition to be published for four successive weeks preceding the session of court, in some weekly newspaper published in the county, if there be such, and if there be none, then by posting at the court house door of the proper county, and by insertion in one of the nearest weekly newspapers, which publication shall be considered a citation to all interested in the land through which the road is to pass: the court on hearing the petition shall cause to be empaneled a jury of twelve disinterested freeholders of the county, who shall take into consideration the advantage and disadvantage of the rail road to the owners of the land and assess the damages, if any, which the owners of the land will sustain by appropriating to the rail road the land required by the

company, the court shall thereupon decree to the company the land prayed for, with the condition, that before entering on the land, they shall pay into the court the amount of damages assessed against them, and that in case of the forfeiture of the charter, such land as shall remain unimproved by the company, shall revert to its original owners: the owners of the land may at any time thereafter, on motion in court, establish their right to their several parts, of the damages assessed to them.

Sec. 9. Be it further enacted, That the Harrisburg Rail Road and Trading Company, shall have privilege to import, free of duty, for their own use, rail road iron, spikes and bolts, cars and locomotive engines.

Sec. 10. Be it further enacted, That this charter may be forfeited by a failure to have the company organized, and the rail road commenced within eighteen months, and thirty miles in actual use within the term of five years, from and after the passage of this act.

Sec. 11. Be it further enacted, That none of the provisions of the foregoing charter shall in any manner authorize the exercise or confer the privileges of a banking company, nor shall they be in any manner allowed to issue change bills or promissory notes for the purpose of general circulation as a medium thereof.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved January 9th, 1841.

DAVID G. BURNET.

AN ACT

As to the payment of Taxes in the frontier Counties of the Republic.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That in all cases where it shall appear to the satisfaction of the sheriff of any frontier county, that any live stock or other personal property which has been returned on the assessment list, has been stolen, carried off, destroyed or irreparably injured by the public enemy, between the time of such return and the time of payment of the tax thereon, then and in that case, it shall be the duty of said sheriff to notify the county court at its next session thereafter, of the facts and circumstances of the case.

Sec. 2. Be it further enacted, That if upon such representation to the county court, said court shall be satisfied that such property was actually taken, carried away, destroyed, or irreparably injured by the public enemy, that then, and in that case, the person taxed shall be discharged from the payment of so much thereof, as was assessed against such property as was taken, carried away, destroyed or irreparably injured by the public enemy.

Sec. 3. Be it further enacted, That the judgment of the county court, certified under the seal of said court, shall be a sufficient return on the part of said sheriff, to the proper receiver, officer or officers, as to the amount of taxes assessed against the individual and discharged by the said judgment.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved 12th January, 1841.

DAVID G. BURNET.

AN ACT

Confirming the Use and Occupation and Enjoyment of the Churches, Church Lots, and Mission Churches to the Roman Catholic Congregations, living in or near the vicinity of the same

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the churches at San Antonio, Goliad and Victoria, the church lot at Nacogdoches, the churches at the Mission of Conception, San José, San Juan, Espado, and the Mission of Refugio, with outbuildings and lots, if any belonging to them, be, and they are hereby acknowledged and declared the property of the present chief pastor of the Roman Catholic Church, in the republic of Texas and his successors in office, in trust forever, for the use and benefit of the congregations residing near the same, or who may hereafter reside near the same, for religious purposes and purposes of education, and none other; provided, that nothing herein contained shall be so construed as to give title to any lands except the lots upon which the churches are situated, which shall not exceed fifteen acres.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved January 13th, 1841.

DAVID G. BURNET.

AN ACT

Supplementary to an act which was approved December twenty-second, one thousand eight hundred and forty, to repeal and amend certain parts of an act concerning Executions.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That nothing in the above recited act, of which this is a supplement, shall be so construed as to subject property levied upon under execution, to be sold, unless it bring two-thirds of its appraised value in cash.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved January 14th, 1841.

DAVID G. BURNET.

JOINT RESOLUTION

To provide for the better Collection of Monies due from Delinquent Agents and Officers of the Government.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and instructed to cause suits to be instituted against any government agents, collectors of customs, sheriffs, or any other person or persons, who may have received public monies, and are indebted to the government for the same.

Sec. 2. Be it further resolved, That every agent or collector, or any person or persons who have received public monies, refusing or neglecting to pay over the same to the Secretary of the Treasury, after being duly notified, shall be guilty of a high misdemeanor, and on conviction thereof, shall, at the discretion of the court, be fined in a sum not exceeding two thousand dollars, nor less than five hundred dollars, or shall be imprisoned for a term not less than six months, nor more than one year.

Sec. 3. Be it further resolved, That the Secretary of the Treasury shall instruct the district attorneys of the republic to commence suits against such delinquent or delinquents, as may reside in their respective districts, and shall furnish said attorneys with such evidence of indebtedness as may be in possession of his department, for the purpose of prosecuting such suits.

Sec. 4. Be it further resolved, That the district attorneys shall give bond and security in the sum of ten thousand dollars, to be approved by the district judges of their respective districts, for the prompt payment to the Treasurer, of such sums of money as they may collect, under the provisions of this act.

Sec. 5. Be it further resolved, That whenever any judgment may be obtained against delinquents to government, execution shall issue against said delinquents and their securities, and that the property of said delinquent and securities shall be sold for what it shall bring at the first exposure thereof for sale; provided, there be a public notice of said sale in some public gazette, for at least sixty days previous to said exposure, any law to the contrary notwithstanding.

Sec. 6. Be it further resolved, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved January 14th, 1841.

DAVID G. BURNET.

AN ACT.

Prescribing the mode of Organizing the House of Representatives

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled That it shall be, and is hereby made the duty of the Secretary of State, or in his absence, the chief clerk in that department, to organize the house of representatives at the first meeting of each new congress, in the manner following: that is to say, he shall attend at the place and on the day fixed by law, for the meeting of the house; and after appointing a clerk to take the minute of the proceedings, who shall be the chief clerk of the house at the preceding session, if he be present; shall call over all the counties of the republic in alphabetical order; and should the member

or members elect appear, it shall be the duty of the Secretary or Clerk, as the case may be, to administer to each, the oath required by law.

Sec. 2. Be it further enacted, That the Secretary or Clerk, in calling over the counties, shall call for the member or members elect, from the several counties, as shall appear from returns made to the office of the Secretary of State, but should no return have been made, he shall nevertheless call; if there be any member from such county, and any person presenting himself with a certificate from under the hand and seal of the proper returning officer, that the said person had received the highest number of votes, or had been elected in accordance with law, the oath shall be administered to him and he shall be entitled to a seat, as though a return of his election had been made to the Secretary of State.

Sec. 3. Be it further enacted, That when a quorum shall have been qualified in the manner prescribed above, the House shall proceed to its further organization by the election of a Speaker and such other officers as it may deem proper, and should a quorum not attend on the first day, it shall be the duty of the Secretary or Clerk, to attend from day to day until a quorum shall attend and be qualified as above.

Sec. 4. Be it further enacted, That nothing in this act shall be so construed as to prevent a number of members less than a quorum from taking such measures to compel the attendance of absent members as they are now authorized by law.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved January 14th, 1841.

DAVID G. BURNET.

AN ACT

To increase the Bonds of the Sheriff of Harris County.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Sheriff of Harris County shall be required to give bond with four or more securities, to be approved by the Chief Justice, the clerks of the District and County courts, or a majority of them, in the sum of fifty thousand dollars, for the faithful and prompt discharge of his duties as Sheriff of said county.

Sec. 2. Be it further enacted, That all laws now in force as to the amount of the number of securities and the mode of approval of the bond of the Sheriff of Harris County, be, and the same are hereby repealed, and this act shall go into effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved 18th January, 1841.

DAVID G. BURNET.

AN ACT

Granting the Alamo Church to the use and benefit of the Catholic Church.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Church of the Alamo, in the city of San Antonio, be, and the same is hereby yielded and granted, for the use of the Catholic Church upon the same terms and conditions as the Churches of Conception San José, San Juan and others.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved January 18th, 1841.

DAVID G. BURNET.

AN ACT

To make provision for the Vice President, while performing the duties of President.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Vice President of the Republic, so long as he performs the duties of President, shall receive the same compensation as is allowed by law to the President of the Republic, to be paid out of any monies in the Treasury, not otherwise appropriated.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved 18th January, 1841.

DAVID G. BURNET.

AN ACT

To complete the Organization of the Militia.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, the Major General, Brigadier Generals and Colonels of Militia, be, and they are hereby authorized to appoint the necessary staff officers, appertaining to their respective grades, in accordance with law.

Sec. 2. Be it further enacted, That in all cases where the Militia of any beat shall fail or refuse, upon due notice being given, to hold elections for company officers, that commanding officers of regiments, be, and they are hereby authorized and required to appoint the same.

Sec. 3. Be it further enacted, That the commandants of regiments, be required immediately to complete the organization of their regiments, and to have made out duplicate muster rolls of companies and consolidated regimental returns, one copy of each to be forwarded to their respective brigadiers and one to the Secretary of War, at the seat of government.

Sec. 4. Be it further enacted, That all those portions of the county of Brazoria, Fort Bend, Austin and Washington, east of the Brazos, be, and they are hereby attached to the first brigade; and all militia officers elected therein, shall immediately report to the proper officers of that brigade.

Sec. 5. Be it further enacted, That the county of Liberty, be, and is hereby attached to the second brigade.

Sec. 6. Be it further enacted, That the brigadier generals, be, and they are hereby authorized to make such alterations in the regimental boundaries from time to time, as the increase or diminution of population may require, and that they may when they deem the public interest may require it, create new regiments and designate the boundaries.

Sec. 7. Be it further enacted, That the commandants of regiments, be, and they are hereby authorized and required to make such alterations in the boundaries of company beats as the in-

crease or diminution of population may require, and that they may when a proper organization may make it expedient, create new beats and designate the boundaries thereof.

Sec. 8. Be it further enacted, That all officers who may have been properly elected or appointed, or who shall hereafter be appointed or elected, shall by this act, have the same authority as officers, as though they had received the commissions in due form.

Sec. 9. Be it further enacted, That in case of a call by draft of the militia, by order of the President, he shall be authorized to receive volunteers in lieu of drafted men, and that the said volunteers be authorized to elect their own officers, and report themselves by companies, battalions or regiments, as the case may be.

Sec. 10. Be it further enacted, That hereafter the county of Harrison shall be included in the third brigade of Texas Militia, and the counties of Bowie, Red River, Lamar, Fannin and Harrison, shall each constitute one regiment.

Sec. 11. Be it further enacted, That all persons who shall leave the country, or move about within the limits of the same, for the purpose of evading a participation in the defence of the country, who shall refuse to participate in it, or who shall give aid or assistance to the enemy in any way whatever, they shall forfeit all rights of citizenship, together with all rights, titles, or interests to any lands they may hold in the Republic, agreeable to the eighth section of the general provisions of the Constitution; Provided, That nothing in this act shall be so construed as to authorize the President to call out, either militia or volunteers, except to suppress insurrection or repel invasion.

Sec. 12. Be it further enacted, That all volunteers, when they are mustered into service, may organize themselves into companies, battalions, regiments and brigades, and when any mixed troops are called out, part volunteers and part drafted men, and shall apply to the commander-in-chief, or to the commandant of the expedition so ordered out, they shall be permitted to elect their own officers and any companies which shall be called into service and not enough to form a battalion, the commandant of the expedition, shall have power to attach them to any other battalion or regiment; and that this act take effect from and after its passage, any law to the contrary notwithstanding.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved January 18th, 1841.

DAVID G. BURNET.

AN ACT

To Charter the Houston and Austin Turnpike Company.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That a company be incorporated under the name and style of the "Houston and Austin Turnpike Company" to be governed by the rules and regulations hereafter mentioned, and under this title may transfer their rights by succession or assignment, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and answered unto, defending and being defended, in all courts and places whatsoever, and that they and their successors may have a common seal, and change and alter the same at pleasure; And also that they and their successors by the same name and style, shall be in law capable of holding, purchasing and conveying any estate, real, personal or mixed, for the use of said corporation, and doing and performing all things which are necessary and common for companies of a similar nature to do, not contrary to the provisions of this charter as hereinafter enacted, or to the Constitution of this Republic.

Sec. 2. Be it further enacted, That said company shall have the right to construct a Turnpike road from the city of Houston to the city of Austin; said Turnpike Road shall commence at the city of Houston and run on the straightest and most practical route so as to strike and cross the Brazos river at any point not more than five below nor eight miles above the town of San Felipe De Austin, from thence on the most practical route.

Sec. 3. Be it further enacted, That the capital stock of said company shall be one hundred and twenty-five thousand dollars, to be divided into six hundred and twenty-five shares of two hundred dollars each.

Sec. 4. Be it further enacted, That the management of the affairs of the said company shall be conducted by a board of seven directors each of whom shall own at least five shares of the capital stock of said company; and a majority of said directors shall constitute a quorum to do and perform all the business necessary to the successful operations of said improvements, a majority of said directors shall appoint a president from one of their own number, and shall fill such vacancies as may from time to time take place from death, resignation, or otherwise; and after the first election of directors all subsequent elections of said directors shall take place in the city of Houston, on the first Monday of June of each year after one thousand eight hundred and forty-one;

and in case of failure so to elect said directors, the corporation shall not be dissolved for that cause, but the president and directors for the time being shall continue in office until there shall be an election, provided also that it shall be the duty of the said directors to call a meeting of the stockholders at an early day to elect the directory so omitted to be done at the regular period.

Sec. 5. Be it further enacted, That each stock-holder shall have one vote for each share that he may own, and may vote in person or by proxy.

Sec. 6. Be it further enacted, That on application for shares five dollars for each share applied for shall be deposited with the commissioners created hereafter in this act; and the balance shall be paid at such times and upon such terms as the president and directors may designate; provided that not more than ten dollars on each share shall be required at any one time, and after public notice in two newspapers, one published at the city of Houston and one at the city of Austin, be given for sixty days, and in case that any of the stock-holders neglect to pay any of the instalments after being thus advertised, at the expiration of said term, the shares, as also the previous or subsequent instalments which may have been paid, shall be forfeited for the benefit of the said company; and a new subscription may be opened, or said shares may be sold to cover any deficit occasioned by the non-payment of the instalment due on said shares.

Sec. 7. Be it further enacted, That the President and Directors of said company shall have authority to adopt all such rules, regulations and by-laws as they may consider necessary to carry out the objects contemplated by this act of incorporation.

Sec. 8. Be it further enacted, That the book for the subscription of the capital stock of said company shall be opened under the superintendence of the following commissioners, as follows: at the City of Houston, under the superintendence of John D. Andrews, G. Robinson, and William Carper; at the city of Galveston, under the superintendence of Jno. S. Sydnor, and Gai Borden, jr.; at the town of San Felipe, under the superintendence of John H. Money, and N. H. Munger; at the town of La Grange under the superintendence of Joseph Shaw, and Doctor William B. Meriwether; at the town of Bastrop, under the superintendence of Theodore Bissell, N. Boyce, and G. Noessel; and at the city of Austin, under the superintendence of Doctor Moses Johnson, and William N. Thompson; and shall remain open until the whole number of shares shall be subscribed for.

Sec. 9. Be it further enacted, That the commissioners of Galveston, San Felipe, La Grange, Bastrop, and Austin City

shall, and it is hereby made their duty, to make returns of all subscriptions taken by them, to the commissioners at the City of Houston, whenever they may be required to do so by the said commissioners at the City of Houston; and whenever one hundred shares shall have been subscribed for, it shall be the duty of the commissioners, at Houston, to give thirty days' notice in one or more newspapers, at Houston and Austin, requiring the stock-holders to meet in the City of Houston, to close, by a majority of the votes of the subscribers, by ballot, to be delivered in person, or by proxy duly authorized, seven Directors, a Treasurer, and such other officers as they may think necessary to conduct the business of said company for one year, or until their successors shall be elected, agreeable to this act.

Sec. 10. Be it further enacted, That it shall be the duty of the President and Directors, immediately after their appointment, as provided for in this act, to commence the work, and in detached parcels, if they should deem it advisable: the said company shall have the right to establish a ferry across the Brazos river, and eventually a bridge; provided, it shall not obstruct navigation: said company shall have the right to erect toll gates, and charge tolls, to be regulated by law; provided, that they shall not have more than two toll-gates in any forty miles of said road.

Sec. 11. Be it further enacted, That the said company shall have the right to run said road upon any vacant and unappropriated land; and the same, for one hundred feet parallel with said road, is hereby specially reserved for the use of said road; and in case of any disagreement between said company and any person or persons through whose land they may wish to run said road, or any heirs, non-residents, or persons who cannot be come at, owning land through which said company may wish to run said road, in all such cases said company shall apply to the county court in which such land may lay; and the said court shall appoint five disinterested citizens of such county, whose duty it shall be to proceed to examine the land, and condemn the same for the use of said road, for one hundred feet in width, parallel with said road, and shall assess the damage upon the same, which shall be paid by said company.

Sec. 12. Be it further enacted, That this charter shall exist for twenty-five years, and no longer; and the said company shall keep the said Turnpike Road at all times in good repair and order; and in case of a failure so to do, they shall forfeit all tolls during the continuance of said road out of repair.

Sec. 13. Be it further enacted, That if any person or persons shall obstruct, demolish, or injure in any way, said Turn-

pike road, on any part thereof, shall forfeit and pay to said company any sum adjudged against them as damages, by any justice of the peace, or court having jurisdiction of the same: and if any person or persons shall pass round or through the gate, or gate authorized to be set up by said company respectively, with intent to evade the payment of toll, he, she, or they, shall, for every such offence, forfeit and pay to the said company, thrice the amount of toll authorized to be received by said company, recoverable before any justice of the peace having jurisdiction of the same.

Sec. 14. Be it further enacted, That Congress may remove, revise, or alter, any of the provisions of this charter, as they may from time to time deem advisable; and a violation of any of the provisions of this charter, shall work a forfeiture of said charter.

Sec. 15. Be it further enacted, That said Turnpike shall be commenced within twelve months, and completed within five years; otherwise this charter shall be null and void.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved January 19th, 1841.

DAVID G. BURNET.

AN ACT

Creating a system of Bankruptcy and regulating the Collection of Foreign Debts.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That any citizen of this Republic or resident therein, if a male, being twenty-one years old, or if a feme sole, being eighteen years old, or over, desiring to yield his or her estate for the satisfaction of creditors, and obtain exoneration from existing debts and pecuniary liabilities, may do so [in] observance of the following rules.

Rule 1. He or she may present his or her petition to the Chief Justice of the county of his or her residence, stating as nearly as recollected, the names and additions of his or her creditors, and sums payable to them, (which statement shall not avail as an admission of the validity or amount thereof,) and praying the benefit of this act; thereon shall be an oath, or affirmation

signed by the petitioner, and to be taken before the said Judge, in these words: "I, ———, swear (or affirm) that my preceding petition is preferred in good faith, in order to a just transfer of my estate, to my creditors; that I have not aliened, given, lent, leased, encumbered, covered or secreted any of my estate, real, mixed or personal, or in possession, expectancy or action, with intent to delay, defeat or defraud my creditors; that there is not in the possession of any person or persons, natural or conventional, and known to me, any of my estate on secret or collusive trust, condition or contingency, directly or indirectly, for my present or future benefit; and that the deed of transfer now executed to my trustees in bankruptcy, contains a full exhibition of all such of my estate, as now known to or remembered by me." If this be false when taken, the petitioner shall be subject to prosecution and punishment for perjury.

Rule 2. This petition shall be preceded by a notice, three weeks successively published in some gazette of the said county, or of the next nearest county having a gazette, in substance thus: "Before the Chief Justice of ——— county, on the ——— day of ———, I will apply for discharge in bankruptcy." The printer's certificate of the due publication, with one insertion subjoined, shall accompany the petition, and be sufficient evidence of publication.

Rule 3. On the day notified, or second or third day next afterwards, if circumstances require, the said oath or affirmation shall be administered to the petitioner by the said Chief Justice, on his solemn explanation of its terms, import and effects; and concurrently the petitioner shall sign, seal and deliver, before the Chief Justice, a deed in this form and substance;—"Deed of conveyance and assignment by me ——— to ———, trustees for the use of my creditors in bankruptcy; I convey to said trustees and their successors, all my estate, real, mixed and personal, whether in possession, expectancy, action or trust, to be held, collected, applied and distributed by them in satisfaction of all my creditors, according to the rules, conditions, and limitations of the act creating a system of bankruptcy; and this conveyance and assignment embraces whatever of such my estate as may not be recollected and herein enumerated. The estate transferred is the following: [here let it be described.] Yet, out of the above, I am allowed to except, and do reserve for my support, the following: [here the reservation allowed in the fourth rule, is to be specified.] And I, with said trustees, hereunto set my name and seal, the ——— day of ———." A majority of the designated creditors, may nominate in writing, the three trustees to be appointed; or otherwise they shall be selected by the said Chief Justice,—the

deed being signed, sealed and delivered, before the said Chief Justice, and certified by him, shall be considered as delivered for registration in the said Chief Justice's court on the day of its date; shall be recorded by the register within three months next afterwards, and shall be effectual from its date, as against subsequent creditors, purchasers or donees.

Rule 4. The reservation to the petitioner, shall be, if a married man, with wife and a child or children, or a wife only, or a child or children only to support, or if a feme sole, with or without a child or children, in full property, his or her homestead, with fifty acres of his or her lands, if he or she have so much, and if not, then all of his or her lands, with the improvements thereon, the fifty acres, (if so much there be,) to be selected by him or her; also one year's provisions, one or more of the cows and calves, not exceeding three, and one or more of the horses, not exceeding two, mules or stock sufficient to work the reserved premises, one or more beds and bedding, and a sufficiency of household and kitchen furniture and farming utensils, according to the number and condition of the family; and at the allotment of the said Chief Justice, also in full property, the apparel of the family, and the professional books or tools, and implements of the art or trade of the petitioner—always reserving the family Bible, and giving to the wife or feme sole in separate property, her musical instruments. If the petitioner be a single man without a child to support or grand child, he shall have only one year's occupation of his homestead, one year's provisions, and horse, saddle and accoutrements, his apparel, professional books or tools, and implements of his art or trade. If any of the things reserved, be not of the estate, there is to be no equivalent, except, only in respect to the year's provisions, if not on hand, to be fixed by the Chief Justice. This reservation shall be exempt from existing debt and pecuniary liability, and from future levy, distress or attachment, unless it be charged by the act of the owner specially. If, at the reservation, there be any lien on the estate by judgment or decree, without being rendered specific by levy, it shall be discharged, and the creditor by judgment or decree, shall be remitted to priority of satisfaction out of the estate transferred in bankruptcy. If there be on any of the estate a specific lien by levy, the reservation shall be formed out of such of the estate as is not so bound.

Rule 5. When the oath shall have been taken, and deed delivered, the Chief Justice shall grant to the petitioner a discharge, thus: "Republic of Texas, _____ county, _____ before me _____, Chief Justice of said county, this _____ day _____, has made conveyance and assignment to _____, trustees in bank-

ruptcy of his (or her) estate: wherefore he (or she) is fully and forever discharged from all of his (or her) existing debts and pecuniary liabilities, and exonerated from any suit, arrest, proceeding, levy, distress, attachment, hindrance or molestation by, or from any one, more or all of his or her present creditor or creditors. Witness my name and the seal of my court, this _____ day of _____," and this discharge shall have the effect it declares, in all courts, in all places, with and before all officers and persons, and to all intents and purposes. It shall be recorded by the register, and on affidavit of the loss of the original, a certified copy by the register, shall be of equal force.

Rule 6. The said deed shall impart to the trustees, any two or one of them, power to take possession and fiduciary ownership of all the tangible estate of the bankrupt wheresoever situated or found, to demand, receive, and acquit for any thing, or debt of such estate in the hand of any person, and to the end of obtaining possession, and the exertion of the delegated fiduciary control over the same, shall have the like power, privileges and rights which the principal had prior to the transfer; — If a suit be requisite, it shall be in the name, "The Trustees of a bankrupt."—In the event of a succession in the commission, there need be no suggestion or revivor. On the death, dismission, resignation, removal or vacancy in the commission, the Chief Justice shall appoint a successor or successors by noting and signing the appointment on the margin of the record of the deed, and on the deed itself, if presented; and the certificate of the Chief Justice, or of the register, of the succession, shall be sufficient evidence thereof. In the like name, and without suggestion of succession or revivor, the trustees may be impleaded and defined, if sued in respect of any of the trust estate. The trustees thus may sue to recover any of such estate, whether mentioned in the deed and withheld, or not enumerated therein by accident, or fraudulently, collusively or colorably, conveyed, assured, assigned, given, bound or bargained, or in any manner encumbered or covered, with intent to hinder, delay, defraud or defeat the creditors of the bankrupt, and all such fraudulent, collusive, or colorable disposition, shall be held utterly void. If in any suit prosecuted or defended by the trustees, they wish the usual appeal, it shall be granted without security. They are not to be chargeable out of their own proper estates, for any costs or moneys adjudged against them in any such suit, but payment thereof shall be adjudged to be made out of the trust fund, namely: of the costs entirely, and of any pecuniary recovery on a claim against the bankrupt to be paid rateably. The trustees or any of them may be sued individually, for culpable neglect or

mismanagement of the trust estate, or any fraudulent waste, conversion or embezzlement thereof, if desired by a majority of the designated creditors, and such suit shall be in the name, "The creditors of _____ a bankrupt," without using their personal names, and the recovery shall be for the rateable benefit of all the creditors, according to the principles in this act, prescribed for distribution: and shall be levied of the proper estate of the trustee or trustees sued and inculpated.

Rule 7. The designated creditors of the bankrupt may agree unanimously in giving written directions to the trustees concerning the management, sale, or disposition of the transferred estate, only postponing distribution until after the lapse of one year, for the exhibition of claims against the same, and as much longer as may be requisite for the admission or adjudication thereof, and just participation of the valid claimants. In the absence of such directions, the trustees on the first sale day of the sheriff of the county, where the real or tangible estate is situated, after the lapse of three months for perishable estate, and of six months for slaves and lands, shall, at the court house, within the sheriff's hours of sale, make public each vendue of the trust estate, by tracts, lots, parcels, or particulars, as is lawful and requisite to valid sheriff's sales, including in the sale in the proper county, the landed reservation subject to the occupation of the bankrupt, which is not to be interrupted, making conveyance or assignment of the bankrupt's title to the vendee, they presenting for signature the proper deeds. If a bid be not promptly paid, there is to be a re-sale on that or the next day; and any deficit in the re-sale, shall be paid by the first vendee, otherwise he shall be immediately sued thereon: all subsequent sheriff's sale days shall be regular days for sales by the trustees of farther trust estate coming to their hands.

Rule 8. If, between the grant of commission, and any of such days of sale there shall be, in consequence of changes in the condition and circumstances of the country, as shall manifestly so enhance the value of estates as to render it probable that the trust estate will be more than sufficient to satisfy the creditors thereof, and the bankrupt, or his personal representative or heirs shall so desire, he or they may apply to the Chief Justice, granting the commission, for a rule on the trustees to sell only a sufficient portion of the trust estate, who, on five days' citation to the trustees, or any two of them, may make such order thereon as may seem just and equitable. If, upon a partial sale or sales, the debts of the bankrupt and the expenses of the commission shall be satisfied, the residue of the trust estate shall revert in the bankrupt or his proper legal representative, and shall be restored.

Rule 9. On the grant of their commission, the trustees shall publish, three weeks successively, in a gazette of their county, or the next nearest county having a gazette, a notice thus: "The Chief Justice of _____ county, Texas, on the _____ day of _____, committed to us the estate of _____, a bankrupt: therefore, after three, and six months, at the sale days of the sheriff, our sales will be had. If claims against the trust estate be not presented to us within one year next after the above date, they will be barred. The printer's certificate, as in the second rule, shall be full evidence.

Rule 10. The trustees may recognize as valid and payable, any claim under the signature or written recognition of the bankrupt, or whose justness is known to them, provided, the creditor allow any just discount, set off, payment or equity against it, if any, and in adjusting a debt due to the trust fund, they may allow any such discount, set off, payment or equity, or in either case, if not fully satisfied with such mode of liquidation, they may resort to or require suit, and therein the principle of compensation and defalcation shall be applied. No signature or admission of debt or liability, made by the bankrupt subsequent to the commission, shall be received in either mode. The trustees shall make a list of the designated and other disclosed creditors; and when the balances or amounts payable to them shall be ascertained by adjustment or adjudication, shall enter them on the list. At the end of one year next after the commission, after paying the costs and expenses of the commission and reserving five per centum on the amount collected for their compensation, they shall distribute the residue on hand, among the ascertained ratio creditors, ratably, according to the respective balances or amounts ascertained to be due, reserving like proportions to meet the claims still in litigation, paying to each its share, on being established, and retaining the shares of rejected claims for further distribution among those established. Thus they shall proceed at the end of the succeeding year, when all claims shall have been adjusted, and the debts collected, and tangible estate reduced to money, full and final distribution as aforesaid, shall be made. The only preference claims, are, the costs and necessary expenses of the commission, the compensation of the trustees, then the pecuniary recoveries had against the bankrupt prior to the commission, and not rendered specific by levy, as aforesaid; then any debt or debts due to the republic by judgment or decree, or for taxes; but this priority of the government shall be only such as now exists according to the laws in force, and in the relative application thereof; the dates of the admissions of the claims of the general creditors by the trustees,

and the adjudication of the others of such claims shall be regarded equally as the dates of adjudication or priority in regard to such claim of the government among the general creditors; except as excepted, there is to be no preference, but they are to be satisfied out of the residuum, ratably, in proportion to the ascertained amounts due to them. If there be a surplus after paying all, shall be refunded to the bankrupt.

Rule 11. The trustees, from time to time, may be ruled by the Chief Justice granting the commission, by citation or attachment out of, and returnable into his county court, on five days' service thereof, to render such account as may be deemed requisite, touching the commission; and at the close thereof, a general exposition to be recorded, and so on such process and service he shall have full power to adjust controversies, as between the trustees, to suspend or remove any one or more of them, appointing successors or requiring security, if it shall seem proper; and in all things to exert such judicial supervision over the commission as shall be needful to keep its operation within the intent and scope of the act.

Rule 12. The action of the said Chief Justice, in his court, in vacation, touching the commission, shall be entered on the minutes, or other memorials of the probate branch of his court, to be deemed excepted, which is to be registered as aforesaid: the commission shall have its number, file, and index, in the series, and according to the time of occurrence, among the estates of decedents and wards; and the office fees and charges on the commission shall be those for analogous services, proceedings and items, in the probate department and registry of deeds.

Sec. 2. Be it further enacted, That no suit, proceeding, judgment or decree, shall be brought, prosecuted, or sustained in any court or judicial magistracy of this republic, on any judgment or decree of any court or tribunal of any foreign nation, state or territory; this republic, not being bound by any international law or comity to give credence or validity to the adjudication of foreign tribunals, whose measures of justice and rules of decision are variant and unknown here; but this provision in no degree to affect the validity or obligation of contracts, engagements, or pecuniary liabilities originating abroad, or to original evidence, testimony, or proof to establish the same; neither shall this provision extend to or embrace any foreign judgment or decree for specific property or recovery, introduced as the basis of a public sale, for the transmission of title, or to record, or memorial of any link or muniment of title to specific estate; all of which shall depend upon the present laws and usages of the republic; and this provision shall not in any manner

ner relate to or affect the determinations of courts of admiralty and maritime jurisdiction abroad, proceeding in rem, and according to the laws of nations.

Sec. 3. Be it further enacted, That nothing contained in this act shall be so construed as to allow any person to retain in bankruptcy, more than one town or city lot.

Sec. 4. Be it further enacted, That this act be in force and take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved 19th January, 1841.

DAVID G. BURNET.

AN ACT

The better to define the Boundaries of the County of Galveston.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the boundaries of Galveston County shall hereafter begin on the shores of the Gulf of Mexico, at the south east corner of Martin Dunman's league of land; thence due north to East Bay Bayou; thence down said Bayou to East Bay; thence following the shores of said East Bay, to Red Fish Bar; thence following said Bar from east to west, to the western shores of Galveston Bay; thence in a northerly direction, with the shores of said Bay to the mouth of Clear Creek; thence up said Creek to the crossing of the road, leading from Lynchburg, to Dr. Moore's place on Chocolate Bayou; thence from said crossing, by a direct southerly line, to the head of Dickenson's Bayou; thence southerly direction, to a point on West Bay, at equal distance between Chocolate Bayou, and Highland Bayou; thence following with the Bay and through the pass dividing Galveston Island and San Luis; thence eastwardly along the Gulf shores, to the place of beginning.

Sec. 2. Be it further enacted, That all laws previously made, relative to the boundaries of the county of Galveston, are

hereby repealed, and this act shall take effect from and after passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved 20th January, 1841.

DAVID G. BURNET

AN ACT

To amend an act entitled "An act to Incorporate the city of Richmond, and the towns of San Felipe De Austin, and La Grange approved November eighteenth, one thousand eight hundred and thirty-seven.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That act entitled An act to incorporate the city of Richmond and the towns of San Felipe De Austin and La Grange, approved November the eighteenth, one thousand eight hundred and thirty-seven be so amended that the Board of Aldermen for the town of San Felipe De Austin shall consist of five freeholders or householders only.

Sec. 2. Be it further enacted, That the powers, rights and property heretofore granted to the citizens of the town of San Felipe De Austin, under the grant from the Mexican authorities, and the above mentioned act of incorporation, are hereby confirmed and that the powers and jurisdiction of said corporation, shall extend over the whole territory belonging to the same, and that the said corporation of San Felipe De Austin may dispose of all the land and property belonging to it in any manner and upon such terms as the Mayor and Board of Aldermen shall think proper.

Sec. 3. Be it further enacted, That if the office of constable or other inferior officer of said corporation shall become vacant, death, resignation or otherwise, the Mayor may appoint, to fill the vacancy, till elections shall be held, if he deem it necessary.

Sec. 4. Be it further enacted, That in future the name and style of said corporation shall be, "The corporation of San Felipe De Austin" under which name it may sue and be sued, implead and be impleaded, sell, alien, and dispose of property, and do all other acts and things necessary or incidental to the conducting the affairs of the same.

Sec. 5. Be it further enacted, That the act of incorporation heretofore passed as above recited, so far as relates to the town of San Felipe De Austin, and is inconsistent and contrary to the meaning and intention of this act, be, and the same is hereby repealed.

Sec. 6. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,

President pro tem. of the Senate.

Approved January 20th, 1841.

DAVID G. BURNET.

AN ACT

To repeal in part the thirty-seventh section of the Act to regulate the proceedings in Civil Suits, approved February fifth, one thousand eight hundred and forty.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That after the passage of this act, the appellant at the hearing of the cause in the court of appeals, shall furnish to the court three copies of the report of the facts agreed on, or certified by the Judge of the court below: Provided, They are required by a majority of the Judges; Provided however, That this act shall not prejudice any suit now pending in the Supreme Court.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,

President pro tem. of the Senate.

Approved 21st January, 1841.

DAVID G. BURNET.

AN ACT

To discontinue and abolish certain Ports of Entry and to establish instead thereof, a Port of Entry, to be called Port Calhoun.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled. That the collectoral districts or ports of entry heretofore known

as and called the Matagorda and La Vaca collectoral districts, and the same are hereby discontinued and abolished.

Sec. 2. Be it further enacted, That the following designated district shall be a port of entry, commencing at the mouth of the San Antonio river and following the coast of the Gulf eastward to the mouth of Cedar Lake, embracing all the creeks, landing or other places where goods may be landed within said limits, which district shall be called the collectoral district of Port Calhoun.

Sec. 3. Be it further enacted, That the herein named port of entry or collectoral district, to wit;—Port Calhoun, shall be conducted by a collector, and all other boarding officers now allowed by law to aid collectors in the discharge of their duties.

Sec. 4. Be it further enacted, That the collector who may be appointed under the provisions of this act, shall be authorized, and he is hereby required to establish the Custom House of the aforesaid collectoral district or port of entry at the town of Calhoun, St. Joseph Island.

Sec. 5. Be it further enacted, That the collector of the Port of Calhoun, be required to dispatch all vessels which may arrive at said port destined to the anchorage near the towns of Matagorda or Linnville, forthwith to their place of destination, and to place an officer on board of said vessel to deliver the cargoes; and for the further dispatch of business, that the aforesaid collector, be authorized and required to appoint for each of the above mentioned towns, (Matagorda and Linnville,) an agent or deputy collector, who shall act under the direction and control of the said collector, and whose duty it shall be to store and deliver goods, receive monies and perform all other services and duties of collectors and deputy collectors, for their respective towns, as now defined by law: and it is further provided, that the aforesaid agents or deputy collectors, be required to give bond and security to the collector of the district as heretofore provided by law: and that they receive an annual salary or compensation not to exceed twelve hundred dollars in Texas promissory notes, and such fees of office as the law now provides.

Sec. 6. Be it further enacted, That the collector who may be appointed under the provisions of this act, shall be required to reside at the port so established, and to observe all the laws now in force regulating the securing the revenues of this Republic and the accruing from the importation of merchandize.

Sec. 7. Be it further enacted, That the collector so appointed is hereby authorized and required to establish a temporary office at port Galveston, for the carrying into effect the provisions of this act, for the term of six months; and the Secretary of the Treasury

ury is hereby required to have erected as soon as possible, such buildings as may be necessary for the Custom House officers at port Calhoun, and should said buildings be completed in less time than six months, the collector shall remove his office to the same.

Sec. 8. Be it further enacted, That all laws contravening the provisions of this act, be, and the same are hereby repealed, and that this act take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved January 21st, 1841.

DAVID G. BURNET.

AN ACT

To establish the county of Spring Creek for Judicial purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all that portion of the counties of Montgomery and Harris, comprised within the following limits, to wit;—Beginning at the south west corner of a survey on which Matthew Burnet lives; thence due east for fourteen miles; thence in a direct line to Joseph Dunman's; thence due north to the San Jacinto; thence up the San Jacinto to the mouth of Lake Creek; thence up Lake Creek to the crossing of the public road leading from Montgomery Court House to the city of Houston; thence due west a sufficient distance to form the north west corner of said county, due north of the most westerly source of Spring Creek; thence from said corner due south to the said westerly source; thence southwardly to the junction of the road leading from Abram Robert's to San Felipe with the Tuska-cito trace: thence eastwardly to the beginning, be, and the same is hereby constituted a separate district or territory for Judicial and all other purposes and privileges enjoyed by the inhabitants of the several counties of this Republic, except that of separate representation in Congress, which shall be regulated as heretofore.

Sec. 2. Be it further enacted, That the above described territory, shall be known and styled by the name of "Spring Creek," and that William Pierpont, Isaac Deeher, James Cooper, G. W. Cropper, Abram Roberts, Archibald Smith, are appointed commissioners, to select two sites for the county seat, and the place

thus selected which shall receive the greatest number of legal votes shall be the place where the district and county courts shall holden, and shall be styled "Greenville," and the above named commissioners shall have the right to purchase or receive by donation any quantity of land, not exceeding six hundred and forty acres as will be to the interest of said territory, in erecting public buildings, and such other expenses as are incident to the same, and a majority of said board of commissioners shall have the right to act in all cases, and to fill whatever vacancies may occur in said board, until otherwise provided for by law.

Sec. 3. Be it further enacted, That the district court in the above county, shall be held on the ninth Mondays after the first Mondays in March, and September, and continue one week, and the county court shall meet on the first Mondays of June, October and February.

Sec. 4. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved January 21st, 1841.

DAVID G. BURNETT

AN ACT

Requiring the Chief Justice of Bastrop County, to perform certain duties therein mentioned.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Chief Justice of the county of Bastrop, be, and he is hereby required to transmit to the commissiomer of the General Land Office, a copy of the books belonging to the several boards of land commissioners for said county, containing the proof required to be taken by said boards upon issuing certificates for land, and that this act take effect from and after its passage.

Sec. 2. Be it further enacted, That if, upon examination of the copy of the records of the board of land commissioners of said county of Bastrop, and comparing the same with the returns made by the board of travelling commissioners, created by "an act to detect fraudulent land certificates, &c.," together with the certificate presented for patent, it should appear to the Comm

sioner of the General Land Office, that any errors exist in the numbers of such certificates upon said returns, that he be, and is hereby authorized to correct such errors, and issue patents accordingly; Provided, That in no case shall more land be patented, than shall have been recommended by said travelling board, upon such certificates, nor shall a patent issue upon any other certificate, than those that shall appear to have been recommended.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved 28th January, 1841.

DAVID G. BURNET.

AN ACT

Prohibiting forced Sale of Slaves under Execution.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That hereafter no slave or slaves or indentured free person or persons, in the possession and ownership of the bona fide master, or heir or heirs, legatee or legatees of any intestate or deceased person, shall be subject to forced sales, by virtue of any writ of venditioni exponas, fieri facias, or execution of any kind; Provided, always, That the provisions of this act shall not be construed to extend to sales under or by virtue of any final decree or judgment of the courts of competent jurisdiction, where the same has been made or obtained in conformity to law, ordering the sale and distribution of the property of any intestate or deceased person's estate upon petition, as directed, being filed, praying for the same; Provided, Nothing herein shall protect said property in the possession or ownership of defaulters to this Republic.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved January 27th, 1841.

DAVID G. BURNET.

AN ACT

Incorporating the Travis Guards.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That M. L. Woodhouse, Wm. H. Abell, T. G. Forster, R. F. Brenham, J. M. Swisher, H. J. Jewett and Jas. M. Ogden, of the county of Travis together with their associates and successors, be, and they are hereby constituted a body politic and corporate under the name and style of the "Travis Guards," with the same powers and privileges as are conferred by an act of Congress, incorporating the "Militia Guards," of the city of Houston, approved February 5th, 1840.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved January 23rd, 1841.

DAVID G. BURNET.

AN ACT

Supplementary to "An act Establishing the Jurisdiction and powers of the District Courts."

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the judges of the district courts of their respective districts shall have power to change the venue for the trial of any suit civil or criminal, on good and sufficient cause set forth and duly supported by oath or affirmation of three disinterested citizens of the Republic, the sufficiency of which evidence, shall be determined by the presiding judge, and when a change of venue shall be allowed in any suit, the trial thereof shall be adjourned to the nearest adjoining county, which is free from the like exception. Provided, That such change of venue, shall in no instance be allowed more than once to each party in the same cause or suit.

And in all criminal prosecutions, the right of the change of venue, shall be confined to the party prosecuted.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved January 14th, 1841.

DAVID G. BURNET.

AN ACT

To protect the Rights of the Heirs and next of kin, to the members of the Georgia Battalion, and other Volunteers from foreign countries who have fallen in the battles of the Republic, or otherwise died in the limits of the same.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That no administration shall be granted on the estate of any person who served in the Georgia Battalion, or any other volunteer from a foreign country, who may have fallen in the battles of the Republic, or otherwise died in the limits of the same, to any person who shall not show himself entitled to the same, as next of kin, or shall not produce an authority from the heirs or next of kin of such deceased soldier, authorizing him to take administration of the same.

Sec. 2. Be it further enacted, That where administration has heretofore been granted on the estates of deceased soldiers, to other than the heirs, or next of kin of such soldiers, it shall not be lawful for such administrator to sell the lands of such deceased, without the consent or approbation of the heirs of such deceased soldier; the document relied on as evidence of such consent of said heirs, to be recorded by the probate judge, he being satisfied of the genuineness of the same, before granting a decree of sale to the administrator.

Sec. 3. Be it further enacted, That this act shall be in force and take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved January 14th, 1841.

DAVID G. BURNET.

AN ACT

Defining the time of holding the Courts in the First Judicial District.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the District Court for the first Judicial District, shall be holden hereafter, in the county of Galveston, on the first Mondays of March and September, and may continue three weeks; in the county of Liberty on the fourth Mondays after the first Mondays of March and September, and may continue one week; in the eastern district of Liberty on the fifth Mondays after the first Mondays in March and September, and may continue one week;—in the northern district of Liberty, on the sixth Mondays after the first Mondays of March and September, and may continue one week; in the county of Montgomery, on the seventh Mondays after the first Mondays of March and September and may continue two weeks;—in the county of Spring Creek, on the ninth Mondays after the first Mondays of March and September, and may continue one week;—in the county of Harris on the tenth Mondays after the first Mondays of March and September, and may continue until the business is disposed of.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved January 27th, 1841.

DAVID G. BURNETT.

 AN ACT

To regulate Bills of Exceptions.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage or approval of this act, when a cause wherein an appeal, writ of error, or supersedeas, lies to a higher court, may be tried before any judge of the district court in vacation, or in term time, and a counsel or attorney may present to the judge a bill of exceptions to any charge or instructions which he may have given to the jury, or shall present su

a bill on account of any opinion, decision, or any improper conduct on the part of the judge: it shall be the duty of the judge to sign the same, if the truth of the cause be fairly stated, and cause the same to be filed with the papers of the cause, as a part of the record. If, however, he conceives it to be untrue, he shall certify at the foot of the bill wherein it is false, and state fully his reasons for withholding his signature from it, and cause the same to be filed with the papers of the cause, as a part of the record.

Sec. 2. Be it further enacted, That if the judge refuse to sign a Bill of Exceptions, which contains the truth, the party injured thereby shall be permitted to prove its truth, by the deposition of two or more credible bystanders, having previously given to the judge and the opposite party, a reasonable notice in writing, of the time and place at which the depositions were to be taken, and the facts thus proved, shall be as availing upon the trial of the cause in the Supreme Court, as if they had been certified to by the judge of the District Court: and these depositions may be taken before the Chief Justice of the County Court, or any two justices of the peace.

Sec. 3. Be it further enacted, That this act take effect from and after its passage.

DAVID S. KAUFMAN.

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved January 28th, 1841.

DAVID G. BURNET.

AN ACT

Granting District Attorneys power to Challenge Jurors.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, it shall be lawful in any criminal prosecution of a capital nature, instituted in any District Court of any county of this republic, for the District Attorney of such court to challenge five jurors peremptorily; and in all prosecutions for any crime or misdemeanor, to challenge three jurors peremptorily.

DAVID S. KAUFMAN.

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved January 28th, 1841.

DAVID G. BURNET.

AN ACT

To Organize a part of the Counties of Red River, Bowie, and Lamar, for Judicial and other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That that portion of the territory of the counties of Bowie, Red River, and Lamar, lying south of the Sulphur fork, be, and the same hereby constituted and set apart as a separate district, or county, for judicial and other purposes and privileges enjoyed by the several counties of this republic, except that of separate representation in Congress: and the citizens included in said territory shall vote with the county of Red River for representation in Congress.

Sec. 2. Be it further enacted, That the said district or county shall be known by the name and style of Paschal; and shall be organized in conformity with an act organizing the inferior courts, and defining the powers and jurisdictions of the same, and the Chief Justice of said county shall order an election on the second Monday of April next, for a county surveyor, and other officers, whose elections may be authorized by this act.

Sec. 3. Be it further enacted, That the county courts for said district or county, shall be holden on the fourth Mondays of February, May, August, and November.

Sec. 4. Be it further enacted, That all suits which may be pending, after the adjournment of the Spring courts of Red River, Lamar, and Bowie counties, wherein the citizens of said territory may be a party defendant, shall be forthwith transferred to the docket of Paschal county or district, and shall be there finally adjudicated.

Sec. 5. Be it further enacted, That said county or district of Paschal, shall constitute and form a part of the seventh judicial district; and the district court thereof shall be holden on the third Mondays of March and September, and may continue one week, and no longer: and the district court of Bowie shall be holden on the fourth Mondays of March and September, and continue one week, and no longer; any law to the contrary notwithstanding.

Sec. 6. Be it further enacted, That Stephen Peters, O. H. Kinney, John H. Broadnax, Ebenezer Frazier, and Robert Hewes, senators, are hereby constituted and appointed commissioners to select a site for the seat of justice of said district or county, and shall be authorized to receive by donation, or purchase, not ex-

ceeding three hundred and twenty acres of land, to be laid out in lots, and sold, and the proceeds applied to the erection of public buildings, and the necessary expenses attending the same; and the seat of justice so selected shall be known by the name and style of Dangerfield. And should said commissioners select a site for the seat of justice on the public domain, they are hereby authorized to have six hundred and forty acres of the same surveyed and disposed of for the benefit of said county, as the said commissioners may direct.

Sec. 7. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved January 28th, 1841.

DAVID G. BURNET.

AN ACT

To Regulate the Proceedings of the District Courts when sitting as Courts of Admiralty.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the District Courts of this republic shall possess all the powers and jurisdiction of Courts of Admiralty, under the law of nations; and the proceedings in all civil causes of maritime jurisdiction shall be conducted according to the rule of the civil law, by libel, answer, monition, attachment, and other process, necessary to carry into effect their orders and decrees pronounced and rendered in such cases.

Sec. 2. Be it further enacted, That all libels in admiralty, whether the same be in instance or in prize causes, shall be by petition in writing, setting forth the facts upon which the libellant relies, in support of his prayer, and upon the filing of which, in the clerk's office of the court where the suit is to be tried, it shall be the duty of the clerk to issue a monition, containing in substance, the material allegations of the petition, citing and admonishing all persons interested therein, to appear at the term of the court to which the same is made returnable, to show cause, if any they can, why the prayer of said petition should not be granted: a copy of which monition shall be served personally upon

any person appearing by said libel, to be interested in opposing the same, if such person be within the jurisdiction of the court, and shall also be published in some newspaper printed at the place where said court ordinarily holds its sessions, if there be any such paper, at least fifteen days before the trial of such cause.

Sec. 3. Be it further enacted, That if there be no newspaper published at the place where the courts are held in which proceedings in admiralty are sued out, publication of the monition shall be perfected by posting up a copy of the same, at the court house door, and at two other public places, one of which shall be on the mainmast of the vessel, if a vessel be libeled in said petition.

Sec. 4. Be it further enacted, That the judges of the District Court of this republic be, and they are hereby authorized to hold special terms for the trial of maritime causes; and in all cases where a cause is to be tried in admiralty, at any term other than regular term of the court, as provided for by law: it shall be the duty of the judges to endorse upon the petition of the libellant the time when the monition shall be made returnable; provided that no cause shall be tried until the monition shall have been published at least fifteen days before the sitting of the court.

Sec. 5. Be it further enacted, That no attachment shall be issued on any libel either in personam or in rem, except upon the written order of the judge, granting the same: nor shall such order be granted, unless the truth of the facts set forth in the petition shall have been sworn to by the libellant: and in cases where the libel is in personam, no order shall be made for arresting the party against whom the same is prayed, until the party praying the same shall have filed in the clerk's office, bond and security, in such sum as the judge shall prescribe, conditioned to pay all costs and damages which the person to be arrested may sustain, by reason of the unlawful or unjust suing out of the same.

Sec. 6. Be it further enacted, That upon the arrest of any person by attachment, sued out upon a libel in personam, such person shall be discharged from custody by entering into stipulation with security, to be approved by the sheriff, in double the sum demanded, and sworn to in said libel, for his appearance at the court to which the monition is made returnable, to answer the allegations of the libel, or to abide by and perform the decree which may be rendered in the cause, in case of his non-appearance, to answer the aforesaid.

Sec. 7. Be it further enacted, That in all cases where property may be levied upon and seized, by virtue of an attachment sued out upon a libel in rem, it shall be lawful for the claimant of such property, or the person from whose possession it was taken, to replevy the same by entering into stipulation with sufficient security, to be approved by the sheriff, in a sum equal to the appraised value of such property, to return the same when lawfully required, or to abide by, and perform any decree which may be rendered in the cause, and in such cases: it shall be the duty of the judge granting the attachment, or of the clerk, in the absence of the judge, upon the application of such claimant, or person from whose possession the property was taken, to appoint three competent and disinterested appraisers, to appraise upon oath, and ascertain the value of said property.

Sec. 8. Be it further enacted, That all property levied upon as aforesaid, and not replevied upon stipulation, shall remain in the custody of the sheriff, until a final decree shall have been rendered in the cause: provided, the same be not of a perishable nature; but if the same be likely to perish, or sustain serious injury by being kept in custody, it shall be lawful for the judge, upon application of either party, to grant an order to sell the same, at such time and place as to him shall seem best for the interest of all concerned; and the monies arising from such sale shall be paid into the registry of the court, to be held subject to its final order and decree.

Sec. 9. Be it further enacted, That it shall not be necessary for the respondent to any libel in admiralty, to put in his claim or answer under oath, unless the facts set forth in the libel have been sworn to by the libellant; and in all cases the cause shall be decided by the judge upon its merits, as disclosed and established by the testimony.

Sec. 10. Be it further enacted, That in salvage causes, when no claimant or respondent appears, to answer the libel, after due publication of the monition, proclamation shall be made at the door of the court house, with a loud voice, admonishing all persons claiming an interest in the subject matter of the suit, adverse to the libellants, to come forward and make it known: and if no claimant still appears, it shall be the duty of the judge to assign some proctor of the court to the defence of the interest of all absentees; and for services thus rendered, a reasonable fee shall be allowed by the court, to be paid out of the proceeds of the property libelled; and all the residue of such proceeds, after the payment of the salvage, cost, and expenses of the suit, shall be deposited in the registry of the court, subject to the claim of the rightful owner of the same, or his lawful agent;

provided, such claim be interposed within one year and a day after the rendition of the decree: and if no claim be interposed to such proceeds previous to the expiration of said time, the same shall be considered as abandoned, and shall be paid by the sheriff, clerk or other officer, having the custody of the same, into the treasury of the republic, to be held as a fund for the erection of light houses, buoys, and other harbor improvements: provided, that notice of such deposit in the registry of the court, shall be published in some newspaper printed in the republic, for at least three months, commencing immediately after such deposit shall have been made.

Sec. 11. Be it further enacted, That in no case, either of civil or military salvage, shall a larger proportion than one moiety of the nett value of the property saved, be allowed as a compensation for services rendered in saving the same.

Sec. 12. Be it further enacted, That in all prize causes, the hearing shall, in the first instance, be had upon the ship's papers alone, and in no case shall further proof be allowed, when, from papers found in the ship, it shall appear that a fraud was intended to be practiced in making out the documents of the same.

Sec. 13. Be it further enacted, That the proceeds of all prizes captured by the public armed ships of this republic, shall be distributed in the following proportions; viz: one half of such proceeds shall be paid into the treasury of the republic, and the residue shall be allotted into equal shares, five of which shares shall be paid to the commander of the vessel making the capture; three to each lieutenant, surgeon, and purser of the same; one and a half to each warrant officer of the same; one share to each seaman and marine of the same; and half a share to each boy belonging to such vessel when the capture was made.

Sec. 14. Be it further enacted, That ten per centum of the proceeds of all prizes captured by private armed ships, sailing and capturing under the flag of Texas, by the authority of the government, shall be paid into the treasury of this republic, and the residue of the proceeds of such captures shall be distributed among the captors, in such proportions as by the terms of their association may have been agreed upon and determined by themselves.

Sec. 15. Be it further enacted, That all seizures for violations of the revenue laws when made at sea, or upon water navigable from the sea, by vessels of ten or more tons burthen shall be considered as causes of admiralty jurisdiction, and shall be subject to all the rules of admiralty proceedings; and all other seizures for similar violations, when made on land, or on water

not so navigable, shall be considered as of common law jurisdiction, and shall be tried as other cases at common law.

Sec. 16. Be it further enacted, That appeals may be sued out and taken in all civil causes of admiralty and maritime jurisdiction, from the district courts to the supreme court of the republic, upon the same terms, conditions, limitations, and restrictions as are provided for by law, in other cases of appeal.

Sec. 17. Be it further enacted, That this law shall take effect from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved 23d January, 1841.

DAVID G. BURNET.

AN ACT

To Repeal and Amend certain parts or portions of an act entitled
an "Act concerning Executions."

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That when the day of sheriff's sale shall have arrived, it shall be the duty of the chief justice of the county court, or in case of his absence, any disinterested magistrate of the beat where such sale may take place, or of an adjoining beat, at the request of the sheriff, coroner, or constable, to appoint three discreet men, citizens, freeholders, or householders of the county, to appraise the property levied on by virtue of execution, at a fair cash price, which valuation shall be reduced to writing, and signed by [the] appraisers, or a majority of them, and returned to the sheriff.

Sec. 2. Be it further enacted, That the property so levied on and appraised, shall then be offered for sale to the highest bidder; and if the same (be it real or personal property) shall not bring two-thirds of the valuation returned by the appraisers, there shall be no sale, and the execution shall bind the property.

Sec. 3. Be it further enacted, That the property so offered and unsold, may, at any time subsequent, be exposed again to sale, at the instance of the plaintiff, upon previous notice of twenty days being given, in the manner pointed out by law.

Sec. 4. Be it further enacted, That if there be no sale of the property executed in the manner pointed out in the third section of this act, the plaintiff shall pay the costs of said last mentioned exposure to sale; provided always, that either party shall be entitled to have a new appraisement of the property once in every six months after the first attempt to sell the same.

Sec. 5. Be it further enacted, That the proviso contained in the fourth section of an act entitled "An Act concerning Executions," approved the fifth day of February, one thousand eight hundred and forty, be, and the same is hereby repealed.

Sec. 6. Be it further enacted, That the provisions of the foregoing act shall be construed to relate also to constables' sales, and executions.

Sec. 7. Be it further enacted, That the twenty-fourth section of an act entitled "An Act concerning Executions," approved February fifth one thousand eight hundred and forty, be, and the same is hereby repealed, so far as it may relate to an act entitled "An Act to exempt certain property therein named, from Execution," approved January twenty-sixth, one thousand eight hundred and thirty-nine; and said act is hereby declared to be in full force and effect.

Sec. 8. Be it further enacted, That a constable shall not have power to act in civil cases out of the beat to which he belongs, except in cases of attachment; provided, that the constables residing in incorporated towns, shall be authorized to act within the limits of said town.

Sec. 9. Be it further enacted, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed; and that this act shall take effect from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved December 22d, 1840.

DAVID G. BURNETT.

AN ACT

To Repeal certain Acts therein named.

Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the eighth section of "An Act regulating Estrays," approved twenty

second of December, one thousand eight hundred and thirty-six, and the seventh section of "An Act to amend an Act Regulating Estrays, passed twenty-second of December, one thousand eight hundred and thirty-six," approved fifth of February, one thousand eight hundred and forty, be, and the same are hereby repealed.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved 24th December, 1840.

DAVID G. BURNET.

AN ACT

Supplementary to "An Act Prohibiting the Location of Fraudulent Land Claims," approved February the fifth, one thousand eight hundred and forty.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, it shall be lawful for any legally authorized surveyor within the republic, to receive locations for, and survey any lands pointed out by the holder of a land certificate issued by any of the boards of land commissioners for the counties of Fannin, Red River, Jefferson, Liberty, Harris, Galveston, Montgomery, Houston, Robertson or Harrison, until the county surveyor of the county where such certificates may be proposed to be located, shall be informed by the commissioner of the General Land Office, that the board of commissioners created by "An Act to Detect Fraudulent Land Certificates," &c., passed January, one thousand eight hundred and forty, have completed their investigation of land certificates, in the county where such certificates so proposed to be located, were issued; and upon the reception of such information so furnished the county surveyor as aforesaid, it shall be, and is hereby made his duty immediately to notify each of his deputies of the same; and any surveyor receiving a location for, or surveying upon any land certificate after the reception of the notice or information aforesaid, without the same being certified to as required by the act to which this is a supplement, shall suffer the pains and penalties of that law.

Sec. 2. Be it further enacted, That it shall be the duty of the Commissioner of the General Land Office, so soon as he shall receive a report from the boards of land commissioners aforesaid as required by the "Act to Detect Fraudulent Land Certificates &c., passed January, one thousand eight hundred and forty, forthwith to notify the county surveyor of each county of this republic of the same.

Sec. 3. Be it further enacted, That this act shall be in force and take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives
ANSON JONES,
President pro tem. of the Senate

Approved January 18th, 1841.

DAVID G. BURNETT

AN ACT

To authorize and require the Commissioner of the General Land Office to commence the issuing of Land Patents, and for other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Commissioner of the General Land Office is hereby authorized and required, forthwith to make out patents upon all claims which have been, or may hereafter be returned as genuine and justly titled by the different boards of land commissioners, appointed under "An Act to Detect Fraudulent Land Certificates," whether the same has been obtained in strict accordance with law or not; and the Commissioner of the General Land Office is hereby authorized to employ two additional clerks, who shall be allowed the same salaries and pay as other clerks of the land office.

Sec. 2. Be it further enacted, That no patent shall be issued upon any claim, unless a map of the county in which the same is situated, shall have been returned to the General Land Office by the county surveyor of the county.

Sec. 3. Be it further enacted, That there shall be paid to the patentee for each and every patent issued to him under the provisions of this act, to the Commissioner of the General Land Office, for the use of the government, for each patent for one league or more, the sum of fifteen dollars; for any less amount

over one-third of a league, the sum of ten dollars; and for third of a league or any less amount, the sum of five dollars, in case in Texas promissory notes.

c. 4. Be it further enacted, That the county surveyors of the various counties be required to forward the field notes of all surveys returned to their offices, to the Commissioner of the General Land Office; any law to the contrary notwithstanding.

c. 5. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved January 19th, 1841.

DAVID G. BURNET.

AN ACT

to Organize a part of the Counties of Matagorda and Colorado, for Judicial and other purposes.

c. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all that part of the counties of Matagorda and Colorado comprehended within the following limits, beginning at the lower corner of league number twelve, on the San Bernardo, granted to Seth Ingram; thence along the lower line of said league, and continuing same course to the south-west corner of a league of land granted to Mr. Edwards; thence in a direct line south, sixty rods, crossing the Colorado river, and continuing the same course a distance of ten miles after crossing the river; thence northwardly, in a direct line to a point ten miles south, forty-five rods, from the upper corner of a league of land granted to one John Nelson, on the north side of the Colorado river; thence along the upper line of said league to its north-west corner in the same line; thence north fifty rods, to the main San Bernardo; thence in the same to the place of beginning, be, and the same is hereby constituted a separate district or territory, for judicial and other purposes and privileges enjoyed by the inhabitants of several counties of the republic, except that of separate representation in congress, which privilege shall be exercised by them heretofore; that is to say, that portion taken from the county

of Matagorda shall vote with the same; and that part taken from the county of Colorado, shall vote with the same.

Sec. 2. Be it further enacted, That the above described territory shall be known and styled by the name of "Ward," and shall be organized in conformity with "An Act Organizing the Inferior Courts, and Defining the Powers and Jurisdiction of the same," and the inferior or county courts shall be holden in the same, on the second Mondays of March, June, September and December in each year.

Sec. 3. Be it further enacted, That the Chief Justice of said territory shall, so soon as he may be notified of his appointment, order an election for a seat of justice for the same; provided, that the same shall not be located at a greater distance than five miles from the centre, unless it be done by a majority of two-thirds of the voters of said territory.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved January 19th, 1841.

DAVID G. BURNET.

AN ACT

To Regulate Public Sales.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all public sales in the republic, by sheriffs, constables, administrators, and other persons, may be held at the residence of the owner of the property, or at the late residence of a deceased person, or at any other place, by consent of the parties interested, which will be most advantageous to the sale of the property: provided always, that real estate and slaves shall be sold at the court house of the respective counties, unless an order of the court be had to sell at some other place, any law to the contrary, notwithstanding.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved January 21st, 1841.

DAVID G. BURNET.

AN ACT

Amend "An Act to regulate the Proceedings in Civil Suits," approved February fifth, one thousand eight hundred and forty.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the second section of the above recited act, be so amended that it shall be lawful for any officer to serve a writ and petition, subpoena, notice, or other process whatsoever, to be served on any person, by leaving a copy thereof at the residence of such person, or shall serve such process on the body of such person or persons.

Sec. 2. Be it further enacted, That any defendant may certify, in writing, under his signature, on the back of, or annexed to the petition of the plaintiff, that he acknowledges that the petition has been duly served on him: in such case the clerk shall not charge for a copy, nor the sheriff for citation. And this act shall have effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved 18th January, 1841.

DAVID G. BURNET.

AN ACT

Authorizing the Chief Justice of Milam County to have Land Appraised and Condemned for Public use, and to remunerate the owner or owners thereof for the same.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the chief justice of Milam county is hereby authorized and required to summon William W. Hill, Aaron Colvin, Gabriel Jackson, Michael Boren, and James Addison, who shall proceed to the spot which has been selected for the county seat, by the commissioners appointed under "An Act to annex a part of Washington county to the county of Milam, and for other purposes," approved February 4th, 1840; and who, upon oath, shall

appraise and condemn three hundred and twenty acres of land for the use and benefit of the county for which the said site has been selected and permanently established.

Sec. 2. Be it further enacted, That the value of the land so assessed and condemned, shall be collected from the sales of the lot laid off and sold in the county site town; and it is hereby made the duty of the sheriff of the county of Milam, to collect the same and deliver it over to the chief justice, who shall pay the amount so delivered, to the owner or owners thereof, whenever he, she, or they, shall come forward and make a fee simple title to the chief justice and his successors in office, for the amount of land so assessed and condemned for public use.

Sec. 3. Be it further enacted, That this act shall take effect and be in force from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved January 21st, 1841.

DAVID G. BURNET.

AN ACT

Supplementary and Amendatory of certain Acts therein named.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That whenever any vacancy shall occur in the office of associate justice of the county court, either from the expiration of his official term, resignation, or otherwise, it shall be the duty of the several justices of the peace of said county, upon notification from the chief justice to assemble, and elect from among their own body, an associate or associate justices, to supply said vacancy.

Sec. 2. Be it further enacted, That in all cases in which the chief justice of any county in this republic shall be interested, absent, or unable to perform his duties, the associate justices of the county court shall be authorized and empowered to act in his stead.

Sec. 3. Be it further enacted, That in all prosecutions of slaves before the county court, under the "Act for the Punishment of Crimes and Misdemeanors committed by slaves and free persons of color," approved December 14th, 1837, the chief

tice before whose court the trial is had, shall appoint an attorney to prosecute on behalf of the county; and in every case of conviction, said attorney shall be entitled to twenty dollars, Texas promissory notes, to be taxed in the bill of costs.

Sec. 4. Be it further enacted, That in every case of conviction, a slave shall be hired out under the direction of the chief justice, until all the costs of the prosecution are satisfied: but if there be no conviction, the costs shall be taxed against the person lodging the information, and execution shall issue accordingly.

Sec. 5. Be it further enacted, That so much of the first section "An Act organizing the Inferior Courts, and Defining the Powers and Jurisdiction of the same," as requires the associate justices of the county courts to be selected at the beginning of each and every year, be, and the same is hereby repealed.

Sec. 6. Be it further enacted, That this act be in force and take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved January 22nd, 1841.

DAVID G. BURNET.

AN ACT

to legalize the Acts of the Board of Land Commissioners of Harrison County.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all certificates of headrights issued by the board of land commissioners of Harrison County on the twentieth, twenty-first, twenty-second, twenty-seventh and twenty-eighth days of April last to legal claimants, shall be as good and valid as though the same had been issued by said board previous to the passage of the act limiting the further action of the different boards of land commissioners, passed at the last session of congress.

Sec. 2. Be it further enacted, That all surveyors and officers of the Republic shall respect the said certificates, as though the same had been issued by the said board of land commissioners at their regular session; provided, however, that the provisions of this act, shall not give validity to any claim which would not

have been otherwise valid, had the same been issued in conformity with law.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved January 14th, 1841.

DAVID G. BURNET.

AN ACT

Supplementary to An act for the Punishment of Crimes and Misdemeanors.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That any writ or process shall at any time hereafter be sued forth, or prosecuted by any person or persons, in any of the courts of the Republic, or by any judge or justice therein, whereby the person of any public Minister of any foreign Prince, State or Government, authorized and received as such by the President of this Republic, or any domestic or domestic servants of any such public Minister, may be arrested or imprisoned, or his or their goods or chattels be distrained, seized or attached, such writ or process shall be deemed and adjudged to be utterly null and void to all intents, construction and purposes whatsoever.

Sec. 2. Be it further enacted, That if any person or persons shall sue forth or prosecute any writ or process, such person or persons, and all attorneys or solicitors, prosecuting in such cause, and all officers granting or executing any such writ or process, being thereof convicted, shall be deemed violators of the laws of nations and imprisoned not exceeding one year, and fined at the discretion of the court; provided nevertheless, that no citizen or inhabitant of this Republic, who shall have contracted debts prior to his entering into the service of any public Minister, which debt shall be still due and unpaid, shall have, take or receive, any benefit of this act, nor shall any person be proceeded against by virtue of this act for having arrested or sued any other domestic servant of any public Minister unless the name of such servant be first registered in the office of the Se-

ary of State, and affixed by him, the said secretary, in some public place in his office.

Sec. 3. Be it further enacted, That if any person shall violate safe conduct or passport, duly obtained and issued under the authority of the Republic, or shall assault, strike, wound, imprison in any other manner infract the law of nations, by offering violence to the person of a public Minister, or shall by slanderous words, maliciously written or spoken, attempt to bring such public Minister into disgrace or contempt with the people, such person offending, on conviction shall be imprisoned not exceeding six months, and fined at the discretion of the court.

Sec. 4. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved 22d January, 1841.

DAVID G. BURNET.

AN ACT

for the relief of the Purchasers of Lots in the City of Austin and on the tract adjoining.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That in any instalment may hereafter fall due upon any lot in the city of Austin, or out lot, on the tract adjoining said city, purchased at any sale previous to the passage of this act, the purchaser of said lot, shall have an extension of time of twelve months, for making payment of said instalment; provided, he or his agent at the time each instalment shall fall due, shall execute his note payable to the Secretary of the Treasury, or his successors in office, for the amount of said instalment, to be paid at the expiration of said twelve months, which said note shall be recoverable, whether the said lot be afterwards forfeited or not; and if said note is not paid at maturity, the lot for which the same was given shall forever be forfeited.

Sec. 2. Be it further enacted, That it shall be lawful to close and stop up any alley running through a square or block of land in the city of Austin; provided, that the owners of all the lots in said square or block, shall give their consent in writing,

to the closing and stopping up of said alley; and it shall in like manner, be lawful to close and stop up any street or alley between the outlots in the city tract, except the streets running between the different divisions of said tract, as laid down on the map or survey of said tract, which last mentioned streets, shall forever remain open as public highways; provided, that no street or alley running through said tract, shall be closed or stopped, until the persons' lots fronting on any part of the street or alley proposed to be closed, shall have given their consent in writing, to closing or stopping the same; and provided further, that said consent in writing, shall be recorded in the clerks' office of the county court of Travis County, at the expense of the persons signing the same previous to the closing or stopping up of any of said alleys or streets.

Sec. 3. Be it further enacted, That from and after the passage of this act, the public lots in or near the city of Austin, shall be sold for cash only, and in no instance shall any lots be sold heretofore on time, and that the sales of city lots and out lots in the city of Austin, is hereby suspended until the first day of January, one thousand eight hundred and forty-two.

Sec. 4. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved January 12th, 1841.

DAVID G. BURNET.

AN ACT

Granting a Donation of Land to actual Settlers on or near the
Military Road on the Northern Frontier.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That a tract or parcel of land twenty-four miles in width, twelve miles on each side of the military road, running from Red River to the Nueces, as provided for by an act approved December, 1838, be and the same is hereby reserved for the use of the government; provided, that nothing in this act shall be so construed as to interfere with lands now owned or claimed by virtue of a legal title, or any survey made by a legally authorized surveyor.

c. 2. Be it further enacted, That the President, with the advice and consent of the Senate, shall appoint a surveyor for the unmentioned reserve, who shall give bond with approved security, in the sum of five thousand dollars, for the faithful performance of the duties of his office; said bond to be taken by the Secretary of the Treasury, payable to the President and his successors in office. The surveyor so appointed, shall keep his office within the territory so reserved, and shall hold his office for five years; and in transacting the business of his office, be governed by such rules, regulations, and penalties, as are prescribed by law for the government of the official duties of the surveyors in several counties of this republic.

c. 3. Be it further enacted, That any person wishing to settle on the limits of said reserved boundary, may apply to the surveyor thereof, or his deputy, who shall survey for him, six hundred and forty acres of land, if he be the head of a family; or three hundred and twenty acres of land, if he be a single man of the age of twenty-five or upwards; and if said applicant reside thereon, and cultivate a part of the same for the term of five years, he shall receive at the expiration of said five years, a patent for the same; provided, that actual occupancy shall be the only proof of ownership.

c. 4. Be it further enacted, That the before mentioned military road shall be the base line from which all surveys within the territory shall be made: the surveys shall be made as nearly square as practicable, excepting those on the road, which shall be one half the square, (if previous lines will permit;) and in no instance shall any survey run across the said military road.

c. 5. Be it further enacted, That it shall be unlawful, hereafter, for any surveyor of this republic, to survey or locate any lands lying further north of said road than the twelve miles as contemplated in this act, or any lands lying west of the river Colorado, (and the same are hereby reserved for the use of the republic,) to be disposed of as Congress may hereafter direct, and any survey or location made after the passage of this act, contrary to the provisions of the same, are hereby declared null and void, and this act shall be in force from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved January 21st, 1841.

DAVID G. BURNET.

AN ACT

To Organize a certain part of the county of Liberty for Judicial and other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That that portion of the county of Liberty comprised in the following limits, to wit; commencing on the west side of the Neches River where the Houston county line strikes said river; thence west along said line of Houston, to the line of the Northern division of Liberty county; thence due south along said line twenty-five miles thence due south to Village creek; thence down said creek with the line of Jefferson county, to the Neches river; thence up said river to the place of beginning, be, and the same is hereby constituted a separate district or territory, for Judicial and other purposes, and the privileges enjoyed by the inhabitants of the several counties of this republic, except that of separate representation in congress, which privilege shall be exercised as heretofore.

Sec. 2. Be it further enacted, That the above described territory shall be known and styled by the name of "Menard," and shall be organized in conformity with an act organizing the inferior courts, and defining the powers and jurisdiction of the same, and the inferior courts shall be holden in the same, on the first Monday of February, June and December, in each year.

Sec. 3. Be it further enacted, That Robert Barclay, John C. son, Josiah Wheat, Addison Sapp, Benjamin Berk, are authorized to select two sites, which shall be proposed to the people, and the place receiving the greatest number of legal votes, shall be the place where the district and inferior courts shall be holden, and the above named commissioners shall have the right to purchase or receive by donation any quantity of land, as will be to the interest of said territory, in erecting public buildings, and such other expenses as are incident to the same, and a majority of said board of commissioners, shall have the right to fill vacancies should any occur in said board, until otherwise provided for by law.

Sec. 4. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives,
ANSON JONES,

President pro tem. of the Senate

Approved January 22d, 1841.

DAVID G. BURNETT

AN ACT

To Incorporate the Galveston University.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That there be erected, and hereby is erected, and established in the County of Galveston in this republic, a University, for the education of

Be it further enacted, That the said University shall be under the management, direction, and government of a number of trustees, not exceeding forty, or a quorum or board thereof; less than seven vacancies to be filled by the board.

Be it further enacted, That the first trustees of the said University shall be the following persons, viz: M. B. Lamar, J. Burnet, W. L. McColla, Levi Jones, Mosely Baker, C. M. Egan, A. Turner, Anson Jones, A. B. Shelby, W. H. Jack, J. Houston, Willis Roberts, J. P. Henderson, A. H. Phillips, J. Andrews, A. A. M. Jackson, Wm. Y. Allen, B. C. Franklin, T. Case, Jas. F. Perry, Jas. Love, M. S. Smith, A. J. Yates, J. Van Ness, John McCollough, John Hemphill, John B. Jones, J. Under Somervelle, Abner S. Lipscomb, H. Stuart, John S. Lee, J. S. Sydnor, Francis Moore, J. P. Coyt, A. S. Johnson.

Be it further enacted, That the president of the university shall be ex-officio president of the board of trustees; seven trustees shall constitute a quorum to do business; and in questions relating to the fiscal affairs of the institution, the president shall be excluded from voting.

Be it further enacted, That the present organization, rules, appointments and proceedings, being consistent with the constitution and laws of this republic, and with this instrument, be and are hereby ratified and confirmed.

Be it further enacted, That they be allowed to meet on their own adjournments; and if a quorum be wanting, those who are present may adjourn in the prospect of obtaining a quorum.

Be it further enacted, That they shall appoint stated meetings for regular annual and semi-annual meetings: provided, that the president be authorized, in cases of emergency, with due notice, to call extraordinary meetings.

Be it further enacted, That the said trustees shall, in their corporate capacity, be liable for all the contracts, acts and liabilities of those who have heretofore acted as trustees of said institution: provided, said acts shall have been consistent with the objects of the institution.

Sec. 9. Be it further enacted, That this institution shall be titled "The Galveston University," by which name, style, and it shall become and be a corporation or body politic, in law and fact, to have continuance by the name, style and title aforesaid.

Sec. 10. Be it further enacted, That it shall have full power to make, have, and use a common seal, with such device and inscription as they shall deem proper; and the same to break, alter, renew, at their pleasure.

Sec. 11. Be it further enacted, That by the name, style, and aforesaid, it shall be capable to sue and be sued, plead and be pleaded, in any court or courts, before any judge or judges, judge or justices, in all manner of suits, complaints, pleas, causes, matters and demands, whatsoever, in as full and effectual a manner as any other person or persons, bodies politic and corporate within this republic may or can do.

Sec. 12. Be it further enacted, That the said institution by the name, style, and title aforesaid, shall be able and capable in accordance to the terms and conditions of this instrument, to receive and hold all manner of property, right or title, that may be granted or bequeathed to the said university, to be disposed of according to the objects, articles and conditions, of the donors, notwithstanding.

Sec. 13. Be it further enacted, That the said board and trustees shall be authorized and empowered to make rules, by-laws, ordinances, suitable to their several departments, and to do everything needful for the good government and support of the affairs of the corporation: provided always, that the said by-laws, rules and ordinances, be not repugnant to the Constitution and laws of the republic, or this instrument.

Sec. 14. Be it further enacted, That all lands, public buildings and other property belonging to the Galveston University, are hereby declared to be free from any kind of public tax for five years after the date of this act.

Sec. 15. Be it further enacted, That the funds and property belonging to the said university, aside from the buildings, library and apparatus, shall at no time exceed in value the amount of two hundred and fifty thousand dollars.

Sec. 16. Be it further enacted, That the trustees of said university, when acting in a corporate capacity, shall be required to confine themselves solely to the advancement of literature, together with the arts and sciences, studiously avoiding all undue connections with any religious or political denominations.

Sec. 17. Be it further enacted, That the management and control of the said university shall be subject to any direct

ment that Congress may pass; and to the Congress of this re- is reserved the right, at discretion, of appointing commit- r visitors, to said university, who shall have free access to the ses and records of the institution.

18. Be it further enacted, That every trustee elected or ated by the provisions of this act, shall, before entering upon ties of his office, take and subscribe the following oath, be- justice of the peace: "I do solemnly swear, (or affirm,) that faithfully discharge the duties assigned me as trustee, to the f my skill and abilities, without partiality or affection."

19. Be it further enacted, That they shall take effectual hat all students receive fair, generous, and impartial treat- and that means be used to examine and promote the attain- for which the institution is established; and they shall have to confer the degrees of Bachelor of Arts, Master of Arts, r of Medicine, and Doctor of Law.

20. Be it further enacted, That whenever any law, rule or tion, may be passed or adopted by the board of trustees, at alar or stated meeting of said board, it shall not be lawful y call meeting of said board to repeal or rescind such law, r regulation.

21. Be it further enacted, That no professor, tutor or d of the university, shall be eligible to the office of trustee d university: and should any trustee be chosen a professor, or steward, he shall thereby vacate his office in the board.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved 30th January, 1841.

DAVID G. BURNET:

JOINT RESOLUTION

Authorizing the Sale of Lots in the Town of Calhoun.

as, a law passed and approved January twenty-first, eighteen dred and thirty-nine, authorizing and requiring the Secre- of the Treasury to advertise the town of Calhoun for sale, not been carried into effect by reason of a joint resolution ed at the last session of Congress:

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the sale of lots in the town of Calhoun shall commence in said town on the first Monday in June, eighteen hundred and forty-one, and continue from day to day until one-fourth, and no more, of the whole number of said lots, are disposed of at public sale.

Sec. 2. Be it further resolved, That all other provisions of law in act herein before recited, not conflicting with this resolution, shall be observed by the Secretary of the Treasury, in disposing of the lots aforesaid, at public sale.

DAVID S. KAUFMAN,
Speaker of the House of Representatives,
ANSON JONES,

President pro tem. of the Senate.

Approved 28th January, 1841.

DAVID G. BURNEY

AN ACT

To Incorporate the Texas Trading, Mining, and Emigrating Company.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That George W. Bonnell, Alexander McDonald, John C. Watrous, Edwin Morehouse of Texas, and Jonathan Ikin and Arthur Ikin of London, be constituted a body corporate and politic under the name and style of the "Texas Trading, Mining and Emigrating Company," to be governed by the rules herein mentioned, and such by-laws as the company may pass, not inconsistent with the Constitution and laws of this Republic, and under this title, may transfer their rights by succession or assignment, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and that they and their successors, shall have a common seal, and may change and alter the same at pleasure; and also, that they by the same name and style, shall be in law capable of holding, purchasing and conveying any estate, real, personal, or mixed, for the use of said corporation, and for doing and performing all things which are necessary and common for companies of a similar nature to do, not contrary to the

visions of this charter, nor the Constitution and laws of this Republic.

Sec. 2. Be it further enacted, That the said company, may have the right to purchase lands, and settle emigrants upon the same, or of selling it for the use of the corporation, and that they may have the power to erect all necessary buildings for the use of the corporation, and to introduce goods on such terms as Congress may, from time to time establish by law, and to open and work mines upon such terms as other citizens.

Sec. 3. Be it further enacted, That the capital stock of said company, shall be five hundred thousand dollars, to be divided into five thousand shares, of one hundred dollars each.

Sec. 4. Be it further enacted, That the business of said company, shall be conducted by a board of five directors, a majority of whom, shall constitute a quorum, to do and perform all the business necessary to the successful operation of said company. A majority of said directors, shall appoint a president from their own number, and fill such vacancies as may from time to time occur from death, resignation, or otherwise. The term and services of said president and directors, to be regulated by the by-laws of said corporation.

Sec. 5. Be it further enacted, That the company may have the right of establishing trading houses, and carry on a trade with the Mexicans or Indians; provided, that they introduce no contraband articles, nor do any other thing which is prohibited by the Constitution and laws of this Republic.

Sec. 6. Be it further enacted, That the said corporation shall have the power of raising and retaining in service three hundred troops for the purpose of establishing and protecting trading houses; provided, that said troops shall be commanded by officers who have taken the oath of allegiance to the Republic of Texas, and be governed by the laws and regulations for the government of her own troops.

Sec. 7. Be it further enacted, That should the aforesaid troops be called into the service of the Republic, they shall receive the same pay and emoluments as other troops of like grade receive, in the service of the Republic.

Sec. 8. Be it further enacted, That this act shall continue in force for twenty years from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved 30th January, 1841.

DAVID G. BURNET.

AN ACT

Incorporating the Galveston Artillery Company.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That there may be established and organized in the city of Galveston, a volunteer company, to be known and designated as the "Galveston Artillery Company," shall not consist of more than one hundred nor less than thirty-two men, and so soon as thirty-two men shall be enrolled, the company shall proceed to elect a captain, one first and one second lieutenant, and the captain when elected may appoint four sergeants, four corporals, and six gunners, bombardiers, one drummer and one fifer.

Sec. 2. Be it further enacted, That it shall be the duty of said company to protect the harbor and city of Galveston, and to be always subject to the order of the Mayor of said city, to suppress riots or enforce the administration of the laws.

Sec. 3. Be it further enacted, That said company shall not be liable or subject to any draft of the government, by which it will be called from the Island, except in cases of emergency, and that the members of said company shall be exempt from all military duty, except such as is contemplated by this charter.

Sec. 4. Be it further enacted, That said company shall have power to adopt such by-laws in accordance with the Constitution and laws of this Republic, as they may think necessary for the government of said company.

Sec. 5. Be it further enacted, That this act shall be in full force from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives,
ANSON JONES,

President pro tem. of the Senate.

Approved January 30th, 1841.

DAVID G. BURNETT

AN ACT

The better to define the Boundaries of the County of Fort Bend.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the first section of "An act creating the county of Fort Bend," be and the same shall be in full force and effect from and after its passage.

Bend," approved December twenty-ninth, one thousand eight hundred and thirty seven, be so amended as to run with the line of Harris county, from the crossing of Buffalo Bayou, to the main road leading from the city of Houston to San Felipe de Austin; thence in a straight line to the upper corner of a league of land granted to A. Roberts, on the east bank of the Brazos river; thence across said river, and down the west bank of the same, to the mouth of Sixteen Mile creek; thence up said creek to its source; thence in a westwardly direction to the northern boundary line of a league of land granted to O'Conner; thence with said line to the San Bernard river; thence down said river to the original line, and with the same as heretofore.

Sec. 2. Be it further enacted, That all laws and parts of laws heretofore passed, defining the boundaries between the counties of Austin and Fort Bend, and contravening the intent and meaning of the first section of this act be, and the same are hereby repealed.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved January 28th, 1841.

DAVID G. BURNET.

AN ACT

To change the Name of certain persons therein mentioned.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the name of Mariah L. Rousseau, be changed to that of Mariah Rousseau Smith, and that the name of Margaret Ann Rousseau, be changed to that of Margaret Rousseau Smith.

Sec. 2. Be it further enacted, That the said Mariah and Margaret, mentioned in the foregoing section, be, and they are hereby declared heirs at law of James Smith of the county of Bastrop, and capable of inheriting his property in the same manner as if they were heirs of his by descent.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved January 15th, 1841.

DAVID G. BURNET.

AN ACT

Regulating the time of holding the District Courts of the Seventh Judicial District.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the district courts for the seventh judicial district, shall be holden in the county of Harrison, on the first Mondays in March and September, and may continue two weeks; in the county of Bowie, on the third Mondays in March and September, and may continue two weeks; in the county of Red River, on the fourth Mondays after the first Mondays in March and September, and may continue two weeks; in the county of Lamar, on the seventh Mondays after the first Mondays in March and September, and may continue one week; in the county of Fannin, on the eighth Mondays after the first Mondays in March and September, and may continue until the business is disposed of.

Sec. 2. Be it further enacted, That this act shall be in force from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved January 18th, 1841.

DAVID G. BURNET.

 AN ACT

To regulate the Granting and Trial of Injunctions, and to empower the Judges of the District Courts to submit issues of fact to a Jury in Chancery cases.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all petitions for and answers to writs of injunction, shall be upon oath or affirmation; and any injunction may be dissolved at the first term after they were granted, on good cause shown.

Sec. 2. Be it further enacted, That upon the dissolution of an injunction staying an execution of a judgment, the court shall add damages at the rate of ten per cent. to the amount of the judgment: provided, it be satisfied that the injunction was obtained merely for delay.

Sec. 3. Be it further enacted, That upon the dissolution of an injunction upon an interlocutory order of the court, and after such interlocutory order of dissolution, the bill of petition shall be continued over for hearing as an original bill, it shall be the duty of the court before whom such case is pending, to require of the defendant or defendants to such petition or bill of injunction, bond and security, payable to the complainant or complainants, in double the amount of the sum enjoined on the judgment, conditioned to refund the money, interests and costs, to the complainant or complainants, in the event of such injunction being made perpetual on the final hearing.

Sec. 4. Be it further enacted, That the bond and security taken as aforesaid, in the event of said injunction being perpetuated on the final hearing, shall have the force and effect of a judgment, and execution may issue thereon against the principal and security; and the decree making the injunction perpetual, shall be conclusive evidence of a forfeiture of any such bond: and every bond executed for the purpose of obtaining an injunction, shall, on the dissolution of said injunction, have the force and effect of a judgment: and the party or parties whose judgment may have been enjoined, may take out execution against all the obligators in the bond, for the amount of the judgment enjoined, together with interest thereon, and also for the costs incurred by the injunction.

Sec. 5. Be it further enacted, That no injunction commanding the stay of an execution obtained in any court of this republic, except on judgments in actions of detinue, shall be granted for any other or greater sum than what the complainant or complainants shall on oath declare to be just; and not until such complainant or complainants shall have entered into bond, with sufficient security, as before directed, before the clerk of the court whence the injunction issues, for the payment into court of the sum complained of, and all costs upon the dissolution of the injunction.

Sec. 6. Be it further enacted, That no injunction to stay an execution shall issue but within four months after the judgment is obtained, unless it shall appear from the oath of the complainant or complainants, to the judge applied to, that such application has been delayed in consequence of the fraud or false promises of the plaintiff in the judgment practised, or made at the time of, or after obtaining the judgment, or unless it shall appear on oath that the complainant or complainants was or were out of the republic at the time of entering up judgment, so that application could not be made within the time aforesaid.

Sec. 7. Be it further enacted, That on all claims or de-

mands belonging to chancery jurisdiction as understood and practised in England, the judge of the district court before whom such case is pending, besides trying the same according to the principles of equity, may order issues of fact to be made up and submitted to a jury, empaneled for that purpose, for his information and aid in making such decree therein, as shall be just and equitable.

Sec. 8. Be it further enacted, That no writ of quia timet, attachment, or any other original writ or process, whereby the property of any citizen of this republic shall be ordered to be seized or taken into custody, shall be issued by any civil officer of the republic, or by order of any judge of the same, unless the party applying for such writ or process shall first make affidavit in writing of the truth of the matter set forth in his or her petition, and shall file in the clerk's office of the court, where the same is to be sued out and entered, a bond, with good security, in a sum at least double the value of the property to be seized and taken, or of the debts or damage claimed to be due; conditioned to pay all costs and damages which the party against whom such suit or process may be sued out, shall sustain, by reason of the wrongfully and unjustly suing out the same: provided that this section shall not be construed to prevent the issuing of attachments by justices of the peace, under the provisions of any statute authorizing such attachments: and provided also, that it shall not be so construed as to prevent the issuing of any writ or process to compel the attendance of defaulting witnesses or jurors in any court or tribunal to which they may have been legally summoned, or to any writ or process authorized by law in criminal cases.

Sec. 9. Be it further enacted, That the rule adopted by the supreme court, authorizing the granting of a peremptory mandamus upon an ex parte hearing, is contrary to law; and the several judges of this republic, in issuing writs of mandamus, are hereby directed to observe the rules which govern writs of mandamus at common law, as modified by the statutes of this republic; and that all writs of mandamus sued out against the heads of any of the departments or bureaus of the government shall be made returnable before the district court at the seat of government: and any peremptory mandamus granted without notice, shall be deemed and considered as void; and the officer against whom such writ is issued shall not be bound to obey the same.

Sec. 10. Be it further enacted, That it shall not be lawful for the judge of any district court of this republic, to make any decree or order which shall be final in its character, or which shall operate to divest any citizen of this republic of his property.

or rights, until such citizen shall have been duly served with process notifying him that an application for such decree or order will be made, and he shall have had an opportunity of appearing in person, or by attorney, and of being heard in opposition to such decree or order.

Sec. 11. Be it further enacted, That any judge of a district court against whom any aggrieved party may wish to institute a suit, or for any other cause when the amount claimed is beyond the jurisdiction of a justice of the peace, may be sued before any district court of this republic, other than the court of the district in which he presides as judge; and all original and misne process sued out in such case, shall be directed by the clerk of the court issuing the same to the sheriff of the county in which such judge resides, and shall be executed by said sheriff, and returned to the office from whence it issued, with the service endorsed thereon, either by mail, or in such other way as the said sheriff shall find most convenient.

Sec. 12. Be it further enacted, That an appeal may be taken from a final decision made by any county court to the district court of the county in which such decision was made; and that an appeal may be taken from the final decision of any district court, to the supreme court of the republic, when the amount in controversy shall be one hundred dollars or upwards.

Sec. 13. Be it further enacted, That causes may be taken up from any inferior to a superior court, by writ of error, as well as by appeal; but no writ of error shall, in any case, issue, except upon the order of the chief justice of the supreme court, or one of the district judges; and no writ of error shall operate as a supersedeas, unless the party suing out the same shall give bond and security as fully as would be required on appeal.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved January 25th, 1841.

DAVID G. BURNET.

AN ACT

For the Relief of certain Free persons of Color.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That William Ashworth, Abner Ashworth, David Ashworth, Aaron Ashworth, Elisha Thomas, and all free persons of color, together

with their families, who were residing in Texas on the day of the declaration of independence, are, and shall be exempt from the operation and provisions of an act of Congress, entitled "An Act concerning Free Persons of Color," approved fifth of February, A. D. one thousand eight hundred and forty; and that the abovenamed persons, with their families, are hereby granted permission to remain in this republic; anything in the laws of the country to the contrary notwithstanding.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate

Approved December 12th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To define in part the boundaries of the county of Washington and to create the county of Navasoto.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, the Brazos river shall form the eastern boundary of the county of Washington.

Sec. 2. Be it further enacted, That all that territory included within the following limits, to wit; beginning mid-channel of the Brazos river, at the junction of the Navasoto river with the same and running thence up said Navasoto along the mid-channel the same to the crossing of the old San Antonio road, or road leading from Nacogdoches to San Antonio; thence westwardly with said road, to a point to be selected on the same due south of the late residence of Leander Harl, deceased; thence on a direct line to the crossing of the Brazos river at or near Tenoxticlan; thence down said river following the mid-channel of the same, to the place beginning, be, and the same is hereby created a new county to be known and called by the name of Navasoto.

Sec. 3. Be it further enacted, That the said county shall be organized in conformity with "An act organizing the inferior courts, and defining the powers and jurisdictions of the same," except so far as relates to the first election of county officers, which shall be holden on the first Monday in March, one thousand eight hundred and forty one, under the authority and direction

of the Chief Justice of the county of Navasoto, and the county courts of said county shall commence on the second Mondays of January, April, July and October, in each and every year, and may continue in session until the business is disposed of, and that the respective courts of said county shall be holden at the house of J. Furguson, until otherwise directed under the provisions of this act.

Sec. 4. Be it further enacted, That the said county of Navasoto shall be included in and form a part of the third judicial district and the district courts of said county shall commence and be holden on the first Mondays after the fourth Mondays in March and October, and may continue in session one week.

Sec. 5. Be it further enacted, That all suits which have been commenced either in the counties of Washington or Robertson, shall be continued and adjudged in the same manner as though no such new county had been created.

Sec. 6. Be it further enacted, That John Milican, John H. Janes, Mordecai Boon, sen'r., J. Furguson and E. Seals, be, and they are hereby appointed commissioners, to select a suitable site for the location of the seat of justice of said county, and the said commissioners shall have full power and authority, or any three of them, to select said site, and obtain at such selection by donation or otherwise for the use of said county, not less than one hundred nor more than three hundred and twenty acres of land, unless obtained by donation, which selection so made shall be within five miles of the centre of said county as near as can be ascertained, and upon which the seat of justice shall be located.

Sec. 7. Be it further enacted, That it shall be the duty of the county court, at its first session after said selection is made, to appoint five discreet county commissioners, who after giving bond and security such as the court may require and being duly sworn, well and truly to perform the various duties assigned them, immediately to proceed to the taking of titles to the said lands, superintend the surveying or laying out of a town or county site, or out lots, selling the same, taking bonds, making titles, letting out public buildings, and in short performing all such other public duties as should of right be done or performed by said commissioners, under the direction of said court, who shall receive such compensation for their services as the court may direct.

Sec. 8. Be it further enacted, That so soon as the said county commissioners shall have procured a house in the place so selected for the purpose of holding court in, upon information of the same being given to the Chief Justice of said county, he shall require the clerks of the various courts, immediately to re-

move all the records, documents and papers of their respective offices, to the aforesaid selected place, and all succeeding courts, shall be holden at the said selection.

Sec. 9. Be it further enacted, That the county site of the said county of Navasoto, when located, shall be known and called by the name of Boonville.

Sec. 10. Be it further enacted, That from and after the passage of this act the county of Washington, shall be entitled to one representative in congress and no more, and the said county of Navasoto shall be entitled to one representative, and shall be annexed to and form a part of the senatorial district, composed of the counties of Washington and Montgomery.

Sec. 11. Be it further enacted, That Alexander McDade, Green B. Coleman, Horatio Crisman, James Clements and Thomas P. Shepherd, be, and they are hereby appointed commissioners to locate the county seat or seat of justice of Washington county, who shall select said site within three miles of the geographical centre of said county of Washington, who after being duly qualified as above, the commissioners, county court, Chief Justice, clerks of the respective courts, &c., shall in all respects in relation to the county of Washington, saving and excepting as to distance from the centre of the county be governed by the previous powers and requirements, set forth in sections sixth, seventh and eighth, in relation to the county of Navasoto, and that in all cases relating to the county commissioners of either county a majority of said commissioners shall be competent to perform any and all duties required to be done by them respectively; provided always, that in neither case shall the commissioners appointed by this act, have the power to obligate their respective counties, to pay more than three dollars per acre for any lands purchased by them under the authority of this act, and the amount so obligated, shall be paid out of the county Treasury of the proper county.

Sec. 12. Be it further enacted, That this law shall take effect from and after the passage of the same.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES.

President pro tem. of the Senate.

Approved 30th January, 1841.

DAVID G. BURNET.

JOINT RESOLUTION

To repeal so much of An act entitled "An act compensating officers of the Civil List," passed and approved on the ninth day of December, one thousand eight hundred and thirty-six, as relates to Chief Justice of the Republic.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the annual salary of the Chief Justice of the Republic of Texas for the next regular term of four years, be three thousand dollars, and no more, any thing in the law to the contrary notwithstanding.

Sec. 2. Be it further resolved, That this act be in force and take effect from its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
DAVID G. BURNET,
President of the Senate.

Approved 5th December, 1840.

MIRABEAU B. LAMAR.

AN ACT

To Incorporate the "German Union" for Texas.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That George Fisher, Henry Levenhagen, Theodore Miller, Henry F. Fisher, John Koop, Robert Levenhagen, Charles Gerlach, H. C. Jaeger, Charles Bowman, C. Kesler, H. A. Kuchenthal, Charles Fisher, J. Herman, C. Franke, F. Lemsky, Ullrich Fisher and Gustar Erichon, their associates and successors, be, and they are hereby constituted and declared to be a body politic and corporate by the name and style of "the German Union for Texas."

Sec. 2. Be it further enacted, That the said body corporate, be, and the same is hereby authorized and empowered to sue and be sued, plead and be impleaded, defend and be defended by the aforesaid name and style, to hold real and personal estate to an amount not exceeding ten thousand dollars in value, and to use a common seal with such inscription and devices as it may adopt and at pleasure change.

Sec. 3. Be it further enacted, That the said body corporate be, and the same is hereby authorized and empowered to form its own by-laws, rules and regulations for its own government, not contrary to the laws and Constitution of this Republic, and to enforce the same against its members.

Sec. 4. Be it further enacted, That this charter may be altered, revised, changed or amended as congress may from time to time deem necessary.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved 21st January, 1841.

DAVID G. BURNET.

AN ACT

Granting Land to Emigrants.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That every head of a family who has emigrated to this republic since the first of January, one thousand eight hundred and forty, or who may emigrate before the first of January, one thousand eight hundred and forty-two, with his family, and who is a free white person shall be entitled to six hundred and forty acres of land: provided he settle and actually reside on the same for the term of three years and cultivate an amount of the same not less than ten acres: and further provided, he shall have his land surveyed and plainly marked, so as to include his improvements.

Sec. 2. Be it further enacted, That each single man over the age of seventeen, who has or may emigrate as provided in the first section of this act, shall be entitled to three hundred and twenty acres of land, upon the same conditions and restrictions as the heads of families.

Sec. 3. Be it further enacted, That in no instance shall a patent be issued under the provisions of this act, unless the party produce the official certificate of the chief justice of the county where he may reside, that he, the said applicant, has proven by two respectable and creditable witnesses, that he has resided on the land for which he wishes to receive a patent, and that he has cultivated the quantum of land required by this act, for the term

of three years, and that he has done and performed all the duties required of other citizens; and that he has taken the oath of allegiance to this republic: provided always, the applicant shall be required to make oath or affirmation, that he has complied with the requisitions of this act; which oath or affirmation shall be properly authenticated.

Sec. 4. Be it further enacted, That the President of the republic be, and he is hereby authorized to make a contract with W. S. Peters, Daniel S. Carroll, Alexander McRed, Rowland Gibson, Robert Espie, William H. Oldmixon, Daniel Spillman, Robert Hume, John Salmon, W. Byrne, Henry Richards, Robert D. Stringer, W. C. Peters, John C. Bansamen, John Peters, William Scott, Phineas J. Johnson, H. S. Peters, Timothy Cray, and Samuel Browning, collectively, for the purpose of colonizing and settling a portion of the vacant and unappropriated lands of the republic, on the following conditions, to wit: the said contractors, on their part, agree to introduce a number of families, to be specified in the contract, within three years from the date of the contract: provided however, they shall commence the settlement within one year from the date of said contract.

Sec. 5. Be it further enacted, That the said contract shall be drawn up by the Secretary of State, setting forth such regulations and stipulations as shall not be contrary to the general principles of this law and the Constitution, which contract shall be signed by the President and the party or parties, and attested by the Secretary of State, who will also preserve a copy in his department.

Sec. 6. Be it further enacted, That the president shall designate certain boundaries, to be above the limits of the present settlements, within which the emigrants under the said contract must reside: provided however, that all legal grants and surveys that may have been located within the boundaries so designated previously to the date of said contract, shall be respected; and any locations or surveys made by the contractors or their emigrants on such grants and surveys, shall be null and void.

Sec. 7. Be it further enacted, That not more than one section of six hundred and forty acres of land, to be located in a square, shall be given to any family comprehended in said contract; nor more than three hundred and twenty acres to a single man over the age of seventeen years.

Sec. 8. Be it further enacted, That no individual contract made between any contractor and the families or single persons which he may introduce, for a portion of the land to which respectively they may be entitled, by way of recompense for passage, expense of transportation, removal or otherwise, shall be

binding, if such contract embrace more than one half of the land which he, she, or they, may be entitled to under this law; nor shall any contract act as a lien on any larger portion of such land nor shall any emigrant be entitled to any land, or receive a title for such land until such person or persons shall have built a good and comfortable cabin upon it, and shall keep in cultivation, and under good fence, at least fifteen acres on the tract which he may have received.

Sec. 9. Be it further enacted, That all the expenses attending the selection of the land, surveying, title, and other fees, shall be paid by the contractor to the persons respectively authorized to receive them: provided, however, that this provision shall not release the colonist from the obligation of remunerating the contractor in the amount of all such fees, so soon as it can be done without a sale of their land: and further, the President may donate to every settlement of one hundred families made under the provisions of this act, one section of six hundred and forty acres of land, to aid and assist the settlement in the erection of a building for religious public worship.

Sec. 10. Be it further enacted, That the President may allow the contractors a compensation for their services, and in recompense of their labor and expense attendant on the introduction and settlement of the families introduced by him, ten sections for every hundred families; and in the same ratio of half sections for every hundred single men introduced and settled; it being understood that no fractional number less than one hundred, will be allowed any premium.

Sec. 11. Be it further enacted, That the premium lands must be selected from the vacant lands within the territorial limits defined in the contract: and further, all fees incidental to the issue of patents for lands acquired under the provisions of this law, shall be paid to the Commissioner of the General Land Office, for the use and benefit of the public treasury.

Sec. 12. Be it further enacted, That a failure on the part of the contractors, and a forfeiture of their contract, shall not be prejudicial to the rights of such families and single persons as they may introduce, who shall be entitled to their respective quotas of land agreeable to the provisions of this law.

Sec. 13. Be it further enacted, That the contractors shall be required to have one-third of the whole number of the families and single persons for which they contract, within the limits of the republic before the expiration of one year from the date of the contract, under the penalty of a forfeiture of the same: and it shall be the duty of the Secretary of State forthwith, after the expiration of such term, and failure on the part of the contractors

to comply with this provision, to publish and declare said forfeiture; unless the President, for good and sufficient reasons, shall extend the term six months, which he can do; and all substitutions of families living within the limits of the republic, by the contractors, shall not entitle them to any premium for such families, nor shall it operate in favor of them, for the number of families which they are bound to introduce. And this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved January 4th, 1841.

DAVID G. BURNET.

JOINT RESOLUTION.

For certain purposes therein named.

Resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Secretary of the Treasury be authorized and required to issue a sufficient amount of the government bonds to the members and officers of the present Congress for services rendered during the year eighteen hundred and forty; and the aforesaid bonds are hereby appropriated.

Sec. 2. Be it further resolved, That this resolution take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved February 6th, 1841.

DAVID G. BURNET.

AN ACT

Appropriating Eight Thousand Dollars for purposes therein named.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the sum of eight thousand dollars of the eight per cent.

bonds of the government be, and the same is hereby appropriated to meet the drafts drawn by the Quartermaster of Col. Wm. G. Cooke's command, for supplies furnished the troops now on the frontier, under the command of the said Col. Wm. G. Cooke.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved February 1st, 1841.

DAVID G. BURNET.

AN ACT

To annex the Port of San Luis to the Collectoral District of the Brazos.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the port of San Luis be, and the same is hereby annexed to the district of Brazos, and that the northern boundary of said district, shall be the same as that established for the northern boundary of the county of Brazoria, by an act passed the sixteenth day of December of the fourth session of Congress, and that all laws heretofore passed which contravene the provisions of this act be, and the same are hereby repealed.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved December 10th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To organize a part of the County of Houston, for Judicial and other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, all that portion of territory comprised within the following limits, to wit: begin

ning at the mouth of Caney Creek, where it empties into the river Neches, and continue up said creek to the crossing of the road, from Bennett's Fort to Fort Houston; thence due west to the Trinity river; thence up said river with its meandering, far enough to embrace sufficient territory to form a constitutional county; thence in a parallel line to the Neches river; and down said river to the place of beginning, be, and the same is hereby constituted a separate district or territory, for judicial and other purposes and privileges enjoyed by the inhabitants of the several counties of this republic, except that of separate representation in Congress, which privilege shall be exercised by them as heretofore.

Sec. 2. Be it further enacted, That the above described territory shall be known and styled by the name of "Burnet," and shall be organized in conformity with "An Act Organizing the Inferior Courts, and Defining the Powers and Jurisdiction of the same;" and the county courts shall be holden in the same, on the second Mondays in February, May, August, and November, in each and every year.

Sec. 3. Be it further enacted, That the town of Fort Houston shall be the seat of justice for the said county, until otherwise directed by law; and that the district court shall be held on the second Mondays in February and August, in each and every year, and may continue one week.

Sec. 4. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved January 30th. 1841.

DAVID G. BURNET.

AN ACT

Relative to the Duties of the Collector of the District of Brazos.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That it shall be lawful for the collector of the district of Brazos to empower an inspector or other subordinate officer of the customs to administer the oath of entry, at Brazoria or Columbia, in said district, to any importer, consignee, or factor of merchandise,

destined, on importation, to be landed at those places: provided always, that an invoice of said merchandise, in the form required by law, has previously been presented to the collector at the customs house of said district, and there undergone the proper examination, and that the amount of duties due on the same has been there duly assessed.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved 20th January, 1841.

DAVID G. BURNET.

JOINT RESOLUTION

For the Relief of Persons who failed to give in a List of their Taxable Property to the County Assessor.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That persons who have failed to give in a list of their taxable property to the county assessors for the year eighteen hundred and forty be, and they are hereby exempted from double taxation: provided the party so exempted, pay, or cause to be paid, into the hands of the proper officer, before the first day of June next, the amount of his taxes, as prescribed by an act approved January sixteen eighteen hundred and forty; this is to say, one half of one per cent on the amount of property to be assessed.

Sec. 2. Be it further resolved. That this act take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved January 25th, 1841.

DAVID G. BURNET.

AN ACT

To Divide the County of Red River, and to Create and Establish the Counties of Bowie and Lamar.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, the territory now included in the county of Red River, and known as Red River county, shall be divided into three separate and distinct counties, with one representative in the Congress of the Republic of Texas, from each, and no more.

Sec. 2. Be it further enacted, That all the territory comprehended within the following limits, beginning on Red River at Hugh B. Shaw's Ferry; running from thence due south to the southern boundary line of Red River county; thence east with said line to the boundary line between the United States and Texas; thence with said line, north, to Red River; and up said river with its meanders, to the place of beginning, be, and the same is hereby taken from the county of Red River, and created a new county, to be called the "County of Bowie."

Sec. 3. Be it further enacted, That all the territory comprehended within the following limits, beginning at the mouth of Upper Pine Creek, above the pine hills on Red River; thence due south to Big Cypress; thence up said stream to its source; thence due west to Fannin county line; thence with that line to Red River; thence down Red River with its meanders, to the place of beginning, be, and the same is hereby taken from the county of Red River, and created a new county, to be called by the name of "Lamar."

Sec. 4. Be it further enacted, That all the balance of the territory of Red River county, not included within the boundaries of the counties designated and described above, shall still belong to Red River county, and continue to be called by the name of "Red River County," and remain as at present organized: but said county shall hereafter have but one representative in the congress of the republic of Texas; and the counties of Bowie and Lamar shall each be entitled to elect and send one representative.

Sec. 5. Be it further enacted, That the senatorial district now composed of the counties of Red River and Fannin, shall hereafter include the counties of Bowie, Lamar, Red River, and Fannin; but the territorial limits of the said district shall remain unchanged.

Sec. 6. Be it further enacted, That, the chief justice of counties of Bowie and Lamar, shall order an election in their respective counties, on the first Thursday in June, one thousand eight hundred and forty-one, for the permanent location of seat of justice of said counties; the said seats of justice to be within five miles of the centre of territory embraced in said counties, lying between Red River and the Sulphur Fork; and the places having the highest number of votes, shall be the permanent seat of justice. Until the said election shall take place, the court for the county of Bowie be held at the town of De Kalb; and for the county of Lamar, at the house of George W. Wright.

Sec. 7. Be it further enacted, That the counties of Bowie and Lamar shall be organized in conformity with "An Act Organizing the Inferior Courts, and Defining the Powers and Jurisdiction of the same;" and the county courts of Bowie county shall commence and be holden on the first Mondays of January, April, July and October, in each year; and the county courts of Lamar county shall commence and be holden on the fourth Mondays of January, April, July and October, in each year; and each term of the said courts may continue until the business before it is disposed of: provided that no term shall continue for a longer time than two weeks.

Sec. 8. Be it further enacted, That the election for all the different county officers in the counties created by this act, shall be holden on the first Monday in February in the year of our Lord one thousand eight hundred and forty-one; and until chief justices are elected and duly qualified in said counties, the chief justice of the county of Red River shall perform all the duties of that office in the said counties.

Sec. 9. Be it further enacted, That all civil suits which have been instituted in the county of Red River, when the defendants reside within the limits of either of the two new counties created by this act, shall be transferred to the counties respectively in which the defendant has his residence, and be completed in the same manner as if continued in the county of Red River: and it shall be the duty of the clerk of the district court of Red River county, as soon as the counties of Bowie and Lamar are organized to transmit to them respectively, all the papers of every description which, by the foregoing provisions of this section, belong to the cases transferred.

Sec. 10. Be it further enacted, That Frederick Zeida be, and he is hereby appointed to run and mark the boundary line between the counties of Red River and Bowie, from Red River to the Sulphur Fork for which he shall receive five

lars in Texas promissory notes, per mile; one-third of which to be paid by the county of Red River, the balance by the county of Bowie.

Sec. 11. Be it further enacted, That Allen Urquehart be, and he is hereby appointed to run and mark the boundary line between the counties of Red River and Lamar, from Red River to the Sulphur Fork; for which he shall receive five dollars in Texas promissory notes, per mile; one-third of which shall be paid by the county of Red River, the balance by the county of Lamar.

Sec. 12. Be it further enacted, That the public debt due from the county of Red River, heretofore contracted for the benefit of said county, shall be paid equally by the said county of Red River and the new counties created by this act.

Sec. 13. Be it further enacted, That this act shall go into effect from and after the passage thereof.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved December 17th, 1840.

DAVID G. BURNET.

AN ACT

For the Benefit of Settlers residing near the Boundary Line of the United States, in the Counties of Red River and Harrison.

Whereas, citizens residing near the line of the United States, and north of the Sabine River, by the laws and treaties heretofore existing, have been prevented from proving their emigration to this republic, and have consequently been unable to procure from the proper authorities, an order of survey for the amount of said land, which they are entitled to under the laws granting lands to emigrants; and whereas, it is now understood, that the line between this government and the United States, is about to be run, therefore,

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That so soon as said line shall be run and marked by the commissioners on the part of the two governments, it shall, and may be lawful for any settler residing near the boundary line, wishing a certificate of headright or any order of survey, to make ap-

plication to the district court, setting forth the time of his or her emigration, and place of his or her residence, which, together with the proof necessary to procure such certificates, shall be submitted to a jury of good and lawful men, who shall determine the fact whether such applicant is entitled to a certificate, and it shall be the duty of the district judge, when the jury shall find in favor of the applicant, to issue to him an order of survey, such as was issued under former boards of land commissioners; provided, the applicant shall take the same oath, and make the same proof as has heretofore been required in like cases.

Sec. 2. Be it further enacted, That any person entitled to land under the provisions of this act, who shall be an actual settler or occupant of the soil, shall be entitled in the location of his land to include his improvement; provided, that the said location, shall not interfere with any grant or survey legally made or obtained previous to such settlement; and provided, that nothing herein contained, shall prejudice the right of any person holding in his session, a good and genuine certificate or order of survey.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives
ANSON JONES,

President pro tem. of the Senate

Approved January 20th, 1841.

DAVID G. BURNETT

AN ACT

To Incorporate the Franklin Association, in the City of Houston.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the present share-holders in said association, together with such others as may be by them admitted hereafter, be, and they are hereby created and made a corporation and body politic, to continue twenty-five years succession, and shall hereafter be known by the name and style of "Franklin Association;" and shall be capable, in their corporate capacity, of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, to answer and be answered, defend and be defended.

in any court of competent jurisdiction in this republic, and pass, ordain, establish, and enforce such by-laws, ordinances and regulations as said association shall from time to time deem necessary and expedient, for their government: provided, they are not incompatible with the Constitution and laws of this republic.

Sec. 2. Be it further enacted, That the said association is hereby made capable to receive donations, and shall apply them to the express purpose intended by the donor or donors, and shall be capable of holding estate either real or personal, at their own disposal.

Sec. 3. Be it further enacted, That the members of said association shall meet at their library room or some other house contiguous, annually, on the third Tuesday of January, for the purpose of transacting such business as may come before them, and to elect officers: they shall choose a chairman and clerk to preside at the same, and shall then proceed to elect by ballot, not more than seven nor less than three trustees, one treasurer, one librarian, and such other officers as they may deem necessary, who shall severally be sworn to be true to their trust while they continue in office, and shall serve for one year, and until their successors be chosen and qualified: a majority of the trustees shall have power to enforce all by-laws, ordinances, and regulations, and to transact all business appertaining to said association, and to fill all vacancies which may occur by death, resignation, or otherwise: they shall have a common seal, which they may alter and renew at pleasure.

Sec. 4. Be it further enacted, That all by-laws, ordinances and regulations, shall be passed at the annual meetings by a majority of votes of the members present; provided, that absent members shall be allowed to vote by proxy.

Sec. 5. Be it further enacted, That as a further inducement to persons of liberality, willing to promote the objects of the association, each member shall be entitled to and vote for each share he may possess.

Sec. 6. Be it further enacted, That the said association at their annual meetings, may increase or diminish the number and price of shares; but until the first annual meeting, the price of shares shall be ten dollars, and so soon as fifty shares are subscribed for and paid in, the association may proceed to the election of officers.

Sec. 7. Be it further enacted, That N. W. Travis, Henry R. Hardy, and C. W. Buckley, are hereby appointed Trustees to receive subscriptions, and to grant evidences of membership, until said fifty shares are taken and no longer, unless they are elected to said offices by the share-holders.

Sec. 8. Be it further enacted, That this act shall be in force from and after the passage thereof.

DAVID S. KAUFMAN,
Speaker of the House of Representatives,
ANSON JONES,

President pro tem. of the Senate

Approved January 21st, 1841.

DAVID G. BURNET

AN ACT

The better to define the Boundary Line between the Counties of Matagorda and Victoria.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That hereafter the boundary line between the counties of Matagorda and Victoria, shall be as follows: commencing one league in the County of Victoria thence in a direct line to the Pass Cavallo, with the main channel of the same: thence to the main channel of La Vaca Bay, to the western boundary of Matagorda county.

Sec. 2. Be it further enacted, That this act shall be in force from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives,
ANSON JONES,

President pro tem. of the Senate

Approved 25th January, 1841.

DAVID G. BURNET,

AN ACT

To Amend "An Act Organizing Justices' Courts, and Defining the Powers and Jurisdiction of the same."

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That no road shall be surveyed or laid out upon or across any farm, lot or enclosure, without first obtaining the written consent of the owner or owners of the same.

Sec. 2. Be it further enacted, That if such written consent should be refused, it shall then be the duty of the county or commissioners' court to appoint five disinterested free-hold citizens of the county, as commissioners, to review and report upon the same.

Sec. 3. Be it further enacted, That if, in the judgment of the court, from the report of the commissioners as aforesaid, the said road should be of sufficient importance, they may order the survey of the same: provided, that the owner or owners of said farm or enclosure, shall be fully compensated for the damages done by the surveying or laying out of said road.

Sec. 4. Be it further enacted, That the damages contemplated by this act shall be assessed by three disinterested citizens, to be appointed by the county court of the proper county; and the damages thus assessed, to be paid by the county interested in the same.

Sec. 5. Be it further enacted, That the county courts throughout this republic shall require the owner or owners of the ferries established in their respective counties, to give bond with good and sufficient security, in the sum of one thousand dollars, payable to the judge of the county court of the county where such ferry is established, and to his successors in office, conditioned that the person or persons giving such bond, shall keep the banks on each side of the water course, in good repair, and that the slope, or amount of rise from the water's edge of such banks, shall not exceed two feet for each rod: and if any ferryman, or the owner of any ferry, shall not comply with the conditions above mentioned, he shall forfeit and pay to the county treasurer of the county, ten dollars a day for each day that he shall so neglect to keep the said banks in repair: said money to be applied to the use of the county.

Sec. 6. Be it further enacted, That whenever any person or persons shall alter or change any public road by permission of the county court of the county, he or they shall be required to keep up for three successive months, at the point where such road is altered or changed, a sign-board, containing directions relative to the change so made: and any person neglecting to keep up a sufficient sign-board, as above directed, shall forfeit and pay ten dollars for each month that the sign-board is so neglected.

Sec. 7. Be it further enacted, That it shall be the duty of the chief justice of the county courts of the several counties of this republic, to erect and keep up at the crossing of all public roads in their respective counties, good and sufficient sign-boards,

containing written directions relative to the towns or villages w
which such roads communicate.

DAVID S. KAUFMAN,
Speaker of the House of Representatives
ANSON JONES,
President pro tem. of the Senate

Approved January 19th, 1841.

DAVID G. BURNET

JOINT RESOLUTION

To provide for the better Collection of Monies due from Delinque
Agents and Officers of the Government.

Sec. 1. Be it resolved by the Senate and House of Represen
tives of the Republic of Texas, in Congress assembled, That t
Secretary of the Treasury be, and he is hereby authorized and i
structed to cause suits to be instituted against any governme
agents, collectors of customs, sheriffs, or any other person or p
sons who may have received public monies, and are indebted to t
government for the same.

Sec. 2. Be it further resolved, That every agent or collect
or any person or persons who have received public monies, refusin
or neglecting to pay over the same to the secretary of the treasur
after being duly notified, shall be guilty of a high misdemeane
and on conviction thereof, shall, at the discretion of the court,
fined in a sum not exceeding two thousand dollars, nor less th
five hundred dollars, or shall be imprisoned for a term not le
than six months, nor more than one year.

Sec. 3. Be it further resolved, That the secretary of the treasur
shall instruct the district attorneys of the republic to commen
suits against such delinquent or delinquents, as may reside in the
respective districts; and shall furnish said attorneys with such ev
dence of indebtedness as may be in possession of his departmen
for the purpose of prosecuting such suits.

Sec. 4. Be it further resolved, That the district attorneys sha
give bond and security in the sum of ten thousand dollars, to
approved by the district judges of their respective districts, f
the prompt payment to the treasurer, of such sums of money
they may collect under the provisions of this act.

Sec. 5. Be it further resolved, That whenever any jud
ment may be obtained against delinquents to government, ex
ecution shall issue against said delinquents and their securitie

and that the property of said delinquent and securities shall be sold for what it shall bring at the first exposure thereof for sale: provided, there be a public notice of said sale in some public gazette, for at least sixty days previous to said exposure; any law to the contrary notwithstanding.

Sec. 6. Be it further resolved, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved January 14th, 1841.

DAVID G. BURNET.

AN ACT

To abolish certain Offices therein named, and to fix the Military and Naval establishments of the Republic.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the office of Secretary of the Navy, be, and the same is hereby abolished, and the duties heretofore devolving upon the Secretary of the Navy, shall hereafter be performed by the Secretary of War, who is hereby authorized and required, to attach to the War department, a bureau, to be styled the Naval Bureau, and shall appoint a clerk for the same, and it shall be the duty of the present Secretary of the Navy, to deliver to the Secretary of War all books, documents and papers belonging to the Navy department.

Sec. 2. Be it further enacted, That the office of Postmaster General, be, and the same is hereby abolished, and the Secretary of State is hereby authorized and required to attach to the State department, a Bureau, to be styled the "General Post Office," and a clerk appointed by the Secretary of State, shall hereafter perform all the duties of that office, under the superintendence of the Secretary of State; and it shall be the duty of the Postmaster General to deliver to the Secretary of State, all books, documents and papers belonging to the said office.

Sec. 3. Be it further enacted, That the office of Stock Commissioner, be, and the same is hereby abolished, and the Secretary of the Treasury is hereby authorized and required to attach to the Treasury department, a Bureau, to be styled the Stock Office,

and a clerk appointed by the Secretary of the Treasury, shall perform all the duties of that office, and it shall be the duty of the present Stock Commissioner to deliver to the Secretary of the Treasury all the books, documents and papers belonging to that office.

Sec. 4. Be it further enacted, That the office of Second Auditor be, and the same is hereby abolished, and all the duties heretofore devolving upon the Second Auditor, shall be performed by the First Auditor, who shall be styled, Auditor; and it shall be the duty of the Second Auditor to deliver to the First Auditor, all the books, documents and papers belonging to that office.

Sec. 5. Be it further enacted, That the Commissioner of Revenue shall perform the duties of such office without the assistance of any clerk, unless it be for two months in each year, which said two months shall commence one month previous to the meeting of each annual congress, and continue for one month after such meeting of congress, during which time of two months, said Commissioner of Revenue may employ one chief clerk, who shall receive the same pay as chief clerks in the other departments of government.

Sec. 6. Be it further enacted, That the office of Colonel of Ordnance, be, and the same is hereby abolished, and the duties heretofore devolving upon that officer, shall be performed by an Armorer, with such assistance as may be necessary, under the direction of the Secretary of War.

Sec. 7. Be it further enacted, That the offices of Quartermaster General, Commissary General of Subsistence, Surgeon General, Adjutant and Inspector General, be, and the same are hereby abolished, and the duties heretofore performed by these several offices shall be performed by the Secretary of War, who is authorized to employ two additional clerks.

Sec. 8. Be it further enacted, That the President be, and he is hereby required to reduce the number of officers in the Regular Army, to a number proportioned to the number of privates, and that all further recruiting be discontinued until a further act of congress.

Sec. 9. Be it further enacted, That the Naval establishment of this Republic shall be composed of one captain, one master commandant, eight lieutenants, ten midshipmen, with such other warrant and petty officers, as may be necessary for the establishment upon the scale provided for by this act, with sixty seamen and marines, and one lieutenant of marines, one surgeon, one assistant surgeon and two pursers.

Sec. 10. Be it further enacted, That the offices of naval agent and naval store keeper, be, and the same is hereby abolished.

the captain, who shall be commander in chief, shall have charge of the naval station at Galveston, including all the vessels, who shall be held accountable for the safe keeping of all the public property; he shall make all the purchases, and attend to all duties heretofore performed by the navy agent and store keeper, be subject to all the regulations and laws governing disbursing officers.

Sec. 11. Be it further enacted, That as soon after the arrival of a vessel as may be practicable, the Texas Navy be laid up in ordinary, only excepting one schooner for active service and one ship for harbour service, but should the enemy invade our territory, and an armed Mexican vessel be found cruising on our coast, the President may employ in actual service any number of officers and men, that he may deem necessary for the public security.

Sec. 12. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.
ANSON JONES,
President pro tem. of the Senate.

Approved 18th January, 1841.

DAVID G. BURNET.

AN ACT

making Appropriations for the support of Government, for the year one thousand eight hundred and forty-one.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the following sums, be, and they are hereby appropriated for the service of the year, one thousand eight hundred and forty-one, to

as follows:—

For the salary of the President of the Republic, ten thousand dollars.

For salary of the Vice President of the Republic, three thousand dollars.

For salary of secretary of State, three thousand five hundred dollars.

Of the secretary of the Treasury, three thousand five hundred dollars.

Of the secretary of War, three thousand five hundred dollars.

Of the Attorney General, three thousand dollars.

Of the Treasurer, two thousand five hundred dollars.

Of the Auditor, two thousand five hundred dollars.

For the Comptroller, two thousand five hundred dollars.

Of the Commissioner of the General Land Office, three thousand dollars.

Of the Commissioner of Revenue, two thousand five hundred dollars.

Charge d'Affaires, secretaries of Legation, Agent, &c., fourteen thousand dollars.

Of the President's private secretary, two thousand five hundred dollars.

Of the chief and two assistant clerks in the Treasury department, six thousand nine hundred dollars.

Of the chief and two assistant clerks in the State department including extra clerk hire, eight thousand dollars.

Of chief and four assistant clerks in the War department, eleven thousand three hundred dollars.

Of chief and four assistant clerks in the General Land Office, eleven thousand three hundred dollars.

Of chief and two assistant clerks in the Auditor's Office, six thousand nine hundred dollars.

Of Chief and one assistant clerk in the Comptroller's office, four thousand seven hundred dollars.

Of chief clerk in the Treasurer's office, two thousand five hundred dollars.

For pay of heads of Bureaus and clerks not herein provided for, three thousand dollars.

For contingent expenses of the State department, one thousand five hundred dollars.

For contingent expenses of the War department, two thousand five hundred dollars.

For contingent expenses of the Treasury department, fifteen hundred dollars.

Of the Attorney General's office, five hundred dollars.

Of the General Land Office, including expenses for sketches and other data to be furnished by county surveyors, surveying land scrip, and running county lines; for county maps, including the maps furnished in the year 1840; for the purchase of blanks, patents and other expenses of the land office, thirty thousand dollars.

For contingent expenses of the Supreme Court, for the purchase of books of record, fuel, stationery, house rent, fifteen hundred dollars.

Of the Auditor's office, one thousand dollars.

Of the Comptroller's office, one thousand dollars.
Of the Treasurer's office, one thousand dollars.
Of the Commissioner of Revenue's office, one thousand dollars.
Of the Paymaster General's office, five hundred dollars.
Of Foreign Legation and Agents, fifteen hundred dollars.
For the Executive contingent fund, ten thousand dollars, for
the disbursement of which the President shall take vouchers and
hold them subject to the call of either house of congress.
For the salary of Chief Justice of the Republic, three thou-
sand dollars.
For the salary of seven District Judges, at three thousand dol-
lars each, twenty one thousand dollars.
For Sheriff's fees, fifteen thousand dollars.
Assessors and Collectors of Taxes, fifteen thousand dollars.
For fees of Clerk of the Supreme Court, one thousand dollars.
For fees of the District Courts, five thousand dollars.
For Justices fees, five hundred dollars.
For pay and mileage of witnesses, one thousand dollars.
For pay to the Members of the House of Representatives, thirty
eight thousand four hundred dollars.
For contingent expenses and printing for the House of Repre-
sentatives, six thousand dollars.
For pay to the Members of the Senate, thirteen thousand four
hundred dollars.
For contingent expenses and printing for the Senate, four thou-
sand dollars.
For mileage to forty members of the House of Representatives,
at the rate of eight dollars for every twenty-five miles, ten thou-
sand dollars.
For mileage at the same rate to fourteen Senators, three thou-
sand five hundred dollars.
For salary of Chief Clerk of the House of Representatives,
twenty-five hundred dollars.
For pay to the Clerks, Seargents-at-Arms, and Door Keepers of
the Senate and House of Representatives, eight thousand dollars.
For printing the laws of the fifth congress, fifteen thousand dol-
lars.
For expenses already incurred in printing the laws of the fourth
congress, thirty-three hundred and eighty dollars.
For printing the journals of the fifth congress ten thousand
dollars.
For extra printing, such as advertisements and proclamations,
one thousand dollars.
For translating and printing the laws in the Spanish language,
one thousand dollars.

For pay of seamen, officers and marines of the navy, including pay due for the year 1840, fifty thousand dollars.

For provisions, stores, clothing for the navy, including the amounts due for the year 1840, fifty thousand dollars.

For paying the Engineer for running the military road to R. River, five thousand dollars.

For the payment of Spies and Volunteers for frontier service under the acts of the present congress, to provide for frontier defence, seventy-five thousand dollars.

For the payment of pensions and annuities, five thousand dollars.

For expenses heretofore incurred, for stationery, engraving, promissory notes, stock certificates, government bonds, &c., eleven thousand dollars.

For draft for medicines for the Texian Army accepted by the secretary of the Treasury, 30th of April, 1838, one thousand six hundred dollars.

Sec. 2. Be it further enacted, That the several sums here enumerated, be, and they are hereby appropriated for the service of the government for the year 1841.

Sec. 3. Be it further enacted, That the secretary of the treasury, be, and he is hereby authorized and required to issue a sufficient amount of the promissory notes and eight per cent. Bonds of the government to meet the foregoing appropriations made by the present congress; provided, that no eight per cent. Bonds shall be issued after the first of March, 1841.

Sec. 4. Be it further enacted, That the secretary of the treasury, be, and he is hereby authorized and required to cancel or have cancelled and balance the unexpended balances of all appropriations that were made previous to the present session of congress, and no money shall be drawn from the treasury, based on any appropriation except that and those made by this congress.

Sec. 5. Be it further enacted, That the sum of twenty thousand dollars in the promissory notes or government bonds, be, and the same are hereby appropriated for the payment of supplies and services rendered in or for the army or supplies furnished in the years 1838, 1839 and 1840; provided, said accounts shall be duly authenticated.

Sec. 6. Be it further enacted, That the appropriations above specified in this bill are intended to be made in the promises of the government, except the appropriation of fifteen thousand five hundred dollars for the payment of Foreign Agents and the contingent expenses attending the same, and if there is or should be hereafter any other money in the Treasury of the Republic, than the promises of the government, it shall be he

ject to the disposition of congress; excepting always, the amount fifteen thousand five hundred dollars above specified in this section.

Sec. 7. Be it further enacted, That the secretary of the treasury, and he is hereby authorized and required to pay to each one of the Judges of the Supreme and District Courts, the sum of one thousand dollars out of the first gold or silver, or par funds that may come into the Treasury, as a part of their annual salaries.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved February 5th, 1841.

DAVID G. BURNET.

JOINT RESOLUTION

For the relief of Persons who have failed to give in a list of their Taxable property to the County Assessor.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all persons who have failed to give in a list of their taxable property to the county Assessors for the year eighteen hundred and forty, and they are hereby exempted from double taxation; provided, the party so exempted, pay or cause to be paid, into the hands of the proper officer before the first day of June next, the amount of his taxes, as prescribed by an act, approved January the sixth, one thousand eight hundred and forty, that is to say, one per cent. on the amount of property to be assessed.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved February 4th, 1841.

DAVID G. BURNET.

AN ACT

Supplementary to "An act to raise a public revenue by Improvements and Duties, approved fifth of February, one thousand eight hundred and forty.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the following duties shall be collected upon all imposts into the Republic, to wit:—upon all articles on which a specific duty is levied there shall be levied and collected a duty double that now fixed by law, and the ad valorem duties of ten or fifteen per cent fixed by the act to which this is a supplement, shall be raised to forty-five per cent., except sugar, coffee, salt, iron and steel, which shall remain as heretofore.

Sec. 2. Be it further enacted, That this act shall go into effect from and after the first of April next.

DAVID S. KAUFMAN,
Speaker of the House of Representatives,
ANSON JONES,
President pro tem. of the Senate.

Approved February 5th, 1841.

DAVID G. BURNETT

AN ACT

To amend an act entitled "An Act to raise a public Revenue by Direct Taxation," approved January sixteenth, one thousand eight hundred and forty.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, it shall be the duty of the sheriff of each county of this republic, on receiving the list provided for in the tenth section of "An Act to raise a Revenue by Direct Taxation," approved the sixteenth of January, one thousand eight hundred and forty, to advertise at three or more public places in each captain's beat, that the tax due from the citizens of the county will be received at the precincts of said beats on two particular days to be mentioned: notice to be given at least ten days preceding the day at which time and place he shall attend and remain for that purpose.

Be it further enacted, That any citizen holding property for himself, as agent, attorney, or administrator in any other county than that in which he or she may reside, shall deliver to the assessor of the county in which they reside a true and correct list of said land, and property, upon oath; a copy of which list shall be forwarded to the clerk of the county court in which said land and property are situated, and shall pay the tax on said land and property in the county where they reside: provided, in all cases they shall pay tax for county purposes upon said land and property, and that the sheriff so receiving, shall pay the same to the secretary of the treasury of this republic, to be by that department to the sheriff of the county where said land and property in which such tax was paid, may be situated.

Be it further enacted, That there shall be collected upon the property mentioned in the foregoing section an additional tax for county purposes, which shall be laid at the highest rate allowed by law.

Be it further enacted, That every person owning land in any other county than the one in which they reside, shall deliver in the same to the assessor of the county in which they reside a true and correct list of said land, and property, which shall be forwarded as provided for in the second section of this act.

Be it further enacted, That that portion of the act to amend an act to amend an act, which requires the county surveyor to make out and deliver to the assessor of the county, an abstract of land titles and field notes recorded in the county clerk's office, be and the same is hereby repealed.

Be it further enacted, That no tax shall be levied or collected in any county on any pedler or vender of any goods, wares, or merchandise of any description whatsoever: provided the same be for the growth or manufacture of this republic.

Be it further enacted, That in no instance shall the tax be more than one-fourth of the tax paid to the republic.

Be it further enacted, That after the passage of this act, all horses, or four mules, be exempted from the provisions of this act, to which this is a supplement.

Be it further enacted, That it shall be the duty of the auditor of revenue to transmit by the first of March, in each year, or as soon thereafter as practicable to the governor, and of the proper county, a certificate, under the great seal of the state, that there has been no assessment made for the year previous, nor taxes collected; upon the receipt of which, it shall be the duty of said assessor to proceed

to assess a tax for the year previous, as well as the year in which the assessment is made, and the sheriff shall collect the same.

Sec. 10. Be it further enacted, That should the Commissioners of Roads and Revenue for any reason fail to appoint an assessor for their county, by the first Monday in March of each year, it shall be the duty of the chief justice of the county to make the appointment within the time prescribed by the act to which this is a supplement: and should the chief justice of the county be unable to procure any individual to accept of the appointment of assessor, he shall offer said appointment to the clerk of the county court of said county, who is hereby required to accept of said appointment, and discharge the duties pertaining thereto; and on his failure to do so, he shall, on conviction thereof before the district court, be fined in a sum of not more than five thousand dollars, at the discretion of the court—be dismissed from office, and be forever thereafter incapable of holding any office of honor, profit, or trust, in this government.

Sec. 11. Be it further enacted, That any clerk, sheriff, assessor, coroner, or any other officer, who may resign his office for the purpose of evading a discharge of their duties, or who may neglect to discharge the same, shall be subject to indictment for a high misdemeanor, and on conviction thereof, shall be fined in a sum of not less than five thousand dollars, at the discretion of the court, and be dismissed from office.

Sec. 12. Be it further enacted, That no individual over the age of forty-five years shall be compelled to pay poll tax.

Sec. 13. Be it further enacted, That no corporation taxes shall exceed the amount of taxes raised for county purposes, and be collected in the same currency as the general taxes.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives,
ANSON JONES,
President pro tem. of the Senate

Approved February 4th, 1841.

DAVID G. BURNETT

AN ACT

to complete the Organization of the Militia.

That it be enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, the Major-General, Brigadier-General, Colonels of militia, be, and they are hereby authorized to appoint the necessary staff officers appertaining to their offices, in accordance with law.

That it be further enacted, That in all cases where the militia shall fail or refuse, upon due notice being given to them, to act for company officers, that commanding officers of militia and they are hereby authorized and required to appoint substitutes.

That it be further enacted, That the commandants of regiments be required immediately to complete the organization of the militia, and to have made out duplicate muster rolls of the militia, and consolidated regimental returns; one copy of each to be forwarded to their respective brigadiers, and one to the Secretary at the seat of government.

That it be further enacted, That all those portions of the Republic of Texas, to-wit: Brazoria, Fort Bend, Austin, and Washington, east of the Brazos River, and they are hereby attached to the first brigade; and the officers elected therein, shall immediately report to the commanding officers of that brigade.

That it be further enacted, That the county of Liberty be, and it is hereby attached to the second brigade.

That it be further enacted, That the Brigadier-Generals be, and they are hereby authorized to make such alterations in the boundaries of the militia, from time to time, as the increase or diminution of population may require; and that they may when in the public interest may require it, create new regiments, and alter the boundaries.

That it be further enacted, That the commandants of regiments be, and they are hereby authorized and required to make such alterations in the boundaries of company beats, as the increase or diminution of the population may require; and that they may when in the proper organization may make it expedient, create new beats, and designate the boundaries thereof.

That it be further enacted, That all officers who may have been elected, or appointed, or who shall hereafter be appointed, shall, by this act, have the same authority as they had when they had received their commission in due form.

Sec. 9. Be it further enacted, That in case of a call, by d on the militia, by order of the President, he shall be autho to receive volunteers in lieu of drafted men; and that the said unteers be authorized to elect their own officers, and report t selves by companies, battalions, or regiments, as the case ma

Sec. 10. Be it further enacted, That hereafter the count Harrison shall be included in the third brigade of Texas mi and the counties of Bowie, Red River, Lamar, Fannin, and rison, shall each constitute one regiment.

Sec. 11. Be it further enacted, That all persons who shall the county, or move about within the limits of the same, for purpose of evading a participation in the defence of the cou who shall refuse to participate in it, or who shall give aid o sistance to the enemy in any way whatever, they shall forfei rights of citizenship, together with all rights, titles, or intere any lands they may hold in the republic, agreeable to the ei section of the general provisions of the Constitution: prov that nothing in this act shall be so construed as to authorize President to call out either militia or volunteers, except to press insurrection or to repel invasion.

Sec. 12. Be it further enacted, That all volunteers, when are mustered into service, may organize themselves into compa battalions, regiments, and brigades, and when any mixed tr are called out, part volunteers and part drafted men, and apply to the commander-in-chief, or the commandant of the e dition so ordered out, they shall be permitted to elect their officers; and any companies which shall be called into service. not enough to form a battalion, the commandant of the exped shall have power to attach them to any other battalion or regin and that this act take effect from and after its passage, any to the contrary notwithstanding.

DAVID S. KAUFMAN,
Speaker of the House of Representatives,
ANSON JONES,
President pro tem. of the Sena

Approved January 18th, 1841.

DAVID G. BURNE

AN ACT

to an Act entitled "An Act" Authorizing the issuance of Land Warrants, Discharges, and Head-rights, on certain conditions.

That it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That any person who may have lost land scrip or audited drafts, be, and they are included, in the above recited act, "approved January 1, 1841, one thousand eight hundred and forty," by compliance with the conditions of the above recited act; provided, that any alien, of said claim, shall previous to the applying for the same, make or cause publication to be made in a newspaper published at the seat of government

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

5th January, 1841.

DAVID G. BURNET.

AN ACT

to amend several Laws establishing a General Post-Office.

That it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Postmaster General do, and he is hereby authorized to contract for the transportation of the mails during the year one thousand eight hundred and forty one, on any of the routes heretofore established; and that the annual expense of carrying the mails weekly shall in no instance exceed ten dollars, in par funds, per mile, a mile; provided, that in all cases the lowest bid shall be given, and the preference, if he shall give sufficient security. And it further enacted, That the rates of postage as established by law, be, and they are hereby doubled, and that the amount of the rates heretofore established, for letters intended to be conveyed by any ship or vessel, shall be received from any place beyond sea, by any ship

or vessel, there shall be paid at the time of its reception, a
age of fifty cents.

Sec. 3. Be it further enacted, That it shall be the duty of
Secretary of State to advertise in three of the gazettes or pu
newspapers in this republic, forty days previous to letting ou
contracting for the transportation of the mails on any of
routes, setting forth all the necessary requisitions therein, ag
ably to law.

Sec. 4. Be it further enacted, That the sum of fifty thou
dollars in the promissory notes of the government, and all
monies arising from the receipts of the post-office department
the year one thousand eight hundred and forty-one, be, and
same are hereby appropriated for the purpose of carrying this
into effect.

DAVID S. KAUFMAN,
Speaker of the House of Representatives,
ANSON JONES,
President pro tem. of the Senate

Approved 28th January, 1841.

DAVID G. BURNE

AN ACT

Supplementary to "An act for the benefit of Settlers residing
the Boundary Line of the United States, in the Counties of
River and Harrison."

Sec. 1. Be it enacted by the Senate and House of Represe
tives of the Republic of Texas, in Congress assembled, That it
be the duty of the county surveyors of Harrison, Panola, Pas
Bowie, Red River, and Lamar, to survey any order of surve
certificate obtained in accordance with the act to which this
supplement; anything in the laws to the contrary notwithstanding.
And this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives,
ANSON JONES,
President pro tem. of the Senate

Approved February 4th, 1841.

DAVID G. BURNE

JOINT RESOLUTION

ten thousand Dollars, in par funds, to defray the Running and Marking the Boundary Line between the Republic of Texas and the United States of America.

it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the sum of ten thousand dollars, in par funds, be, and the same is hereby appropriated to defray the expenses of surveying and marking the boundary line between the Republic of Texas and the United States of America.

it further resolved, That the commissioner is hereby authorized to draw upon any department of the government for the same, and that the heads of the different departments are directed to hold all par funds now in their possession, subject to the order of said commissioner.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

November 23d, 1840.

MIRABEAU B. LAMAR.

AN ACT

Supplementary to the Act of Limitation.

it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That to give effect to the intent and purpose of the Act of Limitation, passed at the session of Congress, it is hereby declared that said Act shall apply to foreign as well as to domestic claims.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

February 5th, 1841.

DAVID G. BURNET.

JOINT RESOLUTION

Authorizing the Secretary of State to draw from the Appropriation to run the Boundary Line.

Resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Secretary of State be, and he is hereby authorized and directed to draw from the war department, or any other department of the government, the amount of par funds which may have been appropriated by the Congress of the present session of Congress, making provisions for running the boundary line between this republic and the United States to the North; and that said Secretary of State, as early as practicable, forward such amount to George W. Smyth, Esq., commissioner of this republic.

DAVID S. KAUFMAN,
Speaker of the House of Representatives,
DAVID G. BURNET,
President of the Senate

Approved November 26th, 1840.

MIRABEAU B. LAMAR

 AN ACT

To Repeal a portion of an act for Creating Funds for the support of Government, for the year 1840.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That so much of the above recited act as relates to the further issue of bonds, or paying out of the same, be, and the same is hereby repealed.

Be it further enacted, That the above act take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives,
DAVID G. BURNET,
President of the Senate

Approved 10th December, 1840.

MIRABEAU B. LAMAR

AN ACT

to "An Act Regulating Sales by Judgment or De-
of a Probate Court or Court of Chancery.

t enacted by the Senate and House of Representa-
public of Texas, in Congress assembled, That all
perty of any deceased person, made by any admin-
r, or guardian, under or by the order, judgment or
probate court, or court of chancery, shall be made
twelve months; any conflict in the act to which
ment, to the contrary notwithstanding. And this
fect from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

February 5th, 1841.

DAVID G. BURNET.

AN ACT

Chief Justices of counties to issue writs of Election
in certain cases.

by the Senate and House of Representatives of the
Texas, in Congress assembled, That from and after
this act, it shall be the duty of the Chief Justices
counties of this republic, to issue writs of election,
cies which may occur in the office of clerk of the
clerk of the district court, or county surveyor, for
e counties, whether such vacancies should occur
signation, or otherwise, such elections shall always
expired term of the predecessor in office, and such
be governed by the laws regulating elections.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

February 3d, 1841.

DAVID G. BURNET.

AN ACT

Securing the right of Appeal from the Justices' to the District Courts.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That appeals which have heretofore, by the existing laws, been taken to the county courts respectively, shall hereafter be taken to the district courts, under the rules and regulations prescribed in the fifteenth section of an act establishing the jurisdiction and powers of the District Courts; and the clerks of the several county courts of this Republic, are hereby authorized and required to transfer all cases of appeal that may be in their respective offices, to the clerks of the district courts of their respective counties; and said district courts shall proceed to hear and determine the same in the same manner as if they had been originally transferred by appeal to the district court.

Sec. 2. Be it further enacted, That hereafter, all cases brought by a justice of the peace, shall be subject to the right of appeal to the district courts, under the rules and regulations prescribed in the fifteenth section of an act establishing the jurisdiction and powers of the district courts, any law to the contrary notwithstanding.

DAVID S. KAUFMAN,
Speaker of the House of Representatives,
ANSON JONES,

President pro tem. of the Senate

Approved January 19th, 1841.

DAVID G. BURNE

AN ACT

To Incorporate the Galveston City Company.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the stockholders in the Galveston City Company, be, they are hereby incorporated under the same name and style, under it may transfer their rights by succession or assignment and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered.

and being defended, in all courts and places
also, that they and their successors by the same
, shall be in law capable of holding, and of convey-
real, personal, or mixed, and doing and performing
which are necessary, and not contrary to the Constitu-
public.

it further enacted, That the management of the af-
company, shall be conducted by a board of five direc-
whom, shall own at least five shares of the capital
company, and three of said directors shall constitute
to and perform all the business necessary to the suc-
on of said company. A majority of said directors
president from their own number, and fill such va-
from time to time take place from death, resigna-
rise: the election of directors shall take place in the
on, on the first Monday of November of each and
l in case of failure to so elect said directors, the cor-
not be dissolved for that cause, but the president and
he time being, shall continue in office until there
ation; provided, also, that it shall be the duty of said
all a meeting of the stockholders at an early day, to
ory so omitted to be done at the regular period.

it further enacted, That each stockholder shall have
each share that he may own, and may vote in person

it further enacted, That the president and directors,
thority to adopt all such rules, regulations, and by-
may consider necessary for the proper management
f said company.

it further enacted, That it shall not be lawful under
he company to exercise banking privileges in any

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

February 5th, 1841.

DAVID G. BURNET.

AN ACT

To Repeal the seventh section of "An Act Supplementary to an Act to raise a Revenue by Direct Taxation, and for other purposes."

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, the seventh section of the above recited act is hereby repealed, and that it shall be unlawful for the commissioner of revenue, to demand and receive double tax on certificates for the year one thousand eight hundred and thirty nine.

DAVID S. KAUFMAN,

Speaker of the House of Representatives,

ANSON JONES,

President pro tem. of the Senate,

Approved February 3rd, 1841.

DAVID G. BURNE

JOINT RESOLUTION

To Define the Duties of the Chief Clerk of the Bureau of Stock Commissioners.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the chief clerk of the bureau of the stock commissioner in the treasury department, be, and he is hereby required to perform all the duties heretofore devolving upon the stock commissioner, so far as relates to endorsing the eight per cent. bonds of the government and all his acts within the scope of this joint resolution, shall be legal and binding; provided, that no printed bonds shall be issued by the secretary of the treasury.

Sec. 2. Be it further resolved, That this resolution take effect from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives,

ANSON JONES,

President pro tem. of the Senate,

Approved February 4th, 1841.

DAVID G. BURNE

A JOINT RESOLUTION

Appropriation to Defray the Expenses of Congress.

Resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That five thousand dollars of the same are hereby appropriated, to be paid out of the treasury not otherwise appropriated, to defray the expenses of the fifth Congress.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

11th November, 1840.

MIRABEAU B. LAMAR.

AN ACT

To settle the claims of Settlers in that portion of the territory of Texas which has been surveyed by authority and direction of the Congress of the North.

Resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That it shall be the duty of any surveyor of this republic to survey or locate the lands of Texas which have been surveyed by the authority and direction of the government of the United States until expressly authorized by law.

Resolved, That the commissioner of the General Land Office shall forthwith issue his instructions to such of the surveyors of this republic as he may think proper, to cause the same to be faithfully observed.

Resolved, That this act shall be in force from the date of the passage thereof.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

11th November, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Making an Appropriation to Pay for Muskets.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That a sum of two thousand four hundred and fifty dollars, in par full, be, and the same is hereby appropriated to pay William Kirchb for the delivery of three hundred and fifty muskets to the government, at Galveston, to be paid out of the first money in the treasury not otherwise appropriated: provided, that the muskets shall be agreeable to contract; and that they shall stand the proof, which muskets are subject, by inspection, before they are paid and received.

DAVID S. KAUFMAN,

Speaker of the House of Representatives

ANSON JONES,

President pro tem. of the Senate

Approved February 5th, 1841.

DAVID G. BURNET

JOINT RESOLUTION,

Granting the President leave of Absence.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the President be, and he is hereby granted leave of absence for a length of time as may be necessary to procure medical aid, and be restored to health: for which purpose it may be necessary for him to visit the United States of the North, or elsewhere, for the purpose above stated: and that leave is hereby granted for such time or until he may be able to resume his executive functions.

Sec. 2. Be it further resolved, That this joint resolution take effect from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives

DAVID G. BURNET,

President of the Senate

Approved 12th December, 1840.

MIRABEAU B. LAMAR

JOINT RESOLUTION

the Election of a Board of Travelling Commissioners, East of the Brazos.

it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That it shall be the duty of the next Congress, at as early a day as practicable, to elect a Board of Travelling Commissioners for that section of the Republic of Texas, provided for by an act of the fourth Congress, to detect fraudulent land certificates, and to protect patents to legal claimants," and so much of the act of the above recited act, as gives to the President the power to fill vacancies during the recess of Congress. It is further resolved, That the said Commissioners shall meet on the third Monday of December next, or as soon thereafter as practicable in the County of Fannin, and proceed from thence to Harrison, Jefferson, Liberty, Galveston, Harris, Robertson and Houston counties, in their respective

it further resolved, That this joint resolution shall be in force from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

November 20th, 1840.

MIRABEAU B. LAMAR.

AN ACT

An act for the relief of the purchasers of Austin City and out lots.

it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled. That where lots in the city of Austin, or out lots on the public land, were purchased at any sale, previous to the act, and have since been forfeited, by reason of the

non-payment of any instalment thereon, the purchaser of said lots or lots shall have the right of redeeming the same, by paying the Treasury Department, on or before the first day of the ensuing sale, all arrearages which may be then due, on the lots so purchased and forfeited; provided, the same have not been sold to any other purchaser.

Sec. 2. Be it further enacted, That this act shall go into effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives
DAVID G. BURNET,
President of the Senate

Approved 3d December, 1840.

MIRABEAU B. LAMAR

AN ACT •

To amend the several acts Incorporating the City of Houston

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the city of Houston, be, and is hereby divided into four wards in the following order, to wit:—all that part of the city lying and being north of Congress, and west of Main streets, shall be known and denominated ward No. 1;—all that part of the said city lying and being north of Congress and east of Main street, shall be known and denominated ward No. 2;—all that part of the city lying and being south of Congress and east of Main streets, shall be known and denominated ward No. 3, and all that part of the city lying and being south of Congress and west of Main streets shall be known and denominated ward No. 4.

Sec. 2. Be it further enacted, That if the office of Alderman should become vacant by resignation or other cause, the board of Aldermen shall have power to appoint a successor until the regular time for the annual election.

Sec. 3. Be it further enacted, That the parts of the laws heretofore passed relative to the city of Houston, conflicting with the above mentioned provisions be, and the same are hereby repealed, and this act shall go into effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives
DAVID G. BURNET,
President of the Senate

Approved November 17th, 1840.

MIRABEAU B. LAMAR

JOINT RESOLUTION

of the Postmaster General, the First and Second Auditors and Treasurer.

ed by the Senate and House of Representatives of Texas, in Congress assembled, That the act passed session of congress approved on the first of February, red and forty, entitled a joint resolution for the re-
tmaster General and heads of Bureaus, which act ex-
own limitation on the first day of October last past,
me is hereby renewed, the same as though the said
not been so limited, and to continue in force from
f October last past, until the first day of January,
red and forty-one, and that the Secretary of the
reby authorized and required to allow to the Post-
l and the heads of bureaus above named, the same
y per month as was provided in the above recited

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

h January, 1841.

DAVID G. BURNET.

JOINT RESOLUTION

one of the Unoccupied Houses belonging to the
t for the use of the Clerk of the Supreme Court.

it resolved by the Senate and House of Representa-
public of Texas, in Congress assembled, That a room
tely occupied by the Commissary General, be appro-
t apart, for the use of the clerk of the supreme court,
directed by Congress. And that this act take ef-
after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

bruary 5th, 1841.

DAVID G. BURNET.

JOINT RESOLUTION

Supplementary to a Joint Resolution for the relief of the
chasers of Austin city and out lots.

Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the time in the Joint Resolution for the relief of Purchasers of Austin and out lots, approved December 1840, shall be, and the same hereby extended to the 10th of February next, and it shall not be lawful for the Secretary of the Treasury to sell any forfeited land in the city of Austin, or the town tract adjoining, previous to that time.

DAVID S. KAUFMAN,
Speaker of the House of Representatives,
DAVID G. BURNET,
President of the Senate.

Approved 8th December, 1840.

MIRABEAU B. LAMAR

 AN ACT

Defining the mode by which the holders of Conditional Certificates shall establish the same.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That there shall be established in each county of the republic of Texas, a court of record with authority to grant unconditional certificates to the holders of conditional certificates obtained by virtue of the twelfth section of law entitled "An Act to reduce into one act and amend the several acts relating to the establishment of a General Land Office," passed December the fourteenth, one thousand eight hundred and thirty-seven, and also by virtue of the act entitled "An Act to extend to late Emigrants or those who may migrate within a specified time, a Donation of Land," approved January the fourth, one thousand eight hundred and thirty-nine.

Sec. 2. Be it further enacted, That the chief justices and two associate justices of the county court shall constitute the court mentioned in the first section of this act.

Be it further enacted, That any individual entitled to be mentioned in the first section, and who is desirous of an unconditional certificate, shall present to the tribunal established, the conditional certificate of the board of the land laws of one thousand eight hundred and one thousand eight hundred and thirty-nine, and personally appear and take the following oath: "I do solemnly swear that I have been an actual citizen of the republic for three years; that I have done and performed the duties of a citizen, and that I am a single (or married, as the case may be,) and shall further prove, by two respectable persons, that the facts deposed to are true; provided, that the evidence of witnesses be made, save by the applicant personally present before the tribunal hereby established: and provided, that the above oath shall not be exacted of the legal heirs, executors, or administrators of any one who died for the benefit of this law, who died a citizen of this re-

Be it further enacted, That it shall be the duty of the county court to act as clerk of the tribunal aforesaid: and when such proof being made as herein required, the applicant shall receive an unconditional certificate, to be signed by a majority of the tribunal, and attested by the seal and signature of the clerk of the county court.

Be it further enacted, That the clerk shall keep a register of all the certificates issued, the date of the issuance, the names of the witnesses; and shall, quarterly, forward to the Commissioner of the General Land Office, an abstract of the certificates issued, with the names of the applicants, and the numbers and dates.

Be it further enacted, That the tribunal herein established shall meet at the county seat on the first Monday of each month, and that each applicant shall, for a certificate, pay the sum of ten dollars, in Texas treasury notes, to the county clerk. The sum shall be equally divided amongst the members signing the certificate, and the clerk.

Be it further enacted, That should any individual have been rejected, he shall have the right of appeal to the district court of the county wherein he applied; and it shall be the duty of the district attorney to attend to the appeal, in behalf of the appellee. Should the appellant gain a verdict in his favor, the court shall issue a certificate, as to other claimants, and the appellant shall be taxed with the costs: if the appellant fails to pay the costs. In all cases where the plaintiff fails to sue, the sum of ten dollars shall be paid to the said

district attorney by said plaintiff: provided, that the applicant for a certificate may be made either in the county where the party resided at the passage of this act, or where he obtained his conditional certificate.

Sec. 8. Be it further enacted, That in all cases where the original certificate cannot be produced, from the fact of its being in the hands [of] a county or deputy surveyor, or in the office of the Commissioner General, it shall be lawful for the tribunal to permit the applicant to produce a certificate, under the seal and signature of the clerk of the county court, where the conditional certificate was obtained, that such a certificate was issued with its number and date.

Sec. 9. Be it further enacted, That where any conditional certificate has been rejected by the board of travelling commissioners in consequence of the board which granted the same having allowed a larger quantity of land than the party applying for the same was entitled to,—the board to be appointed under this act shall be authorized to grant another certificate to such party for the quantity of land to which he is justly entitled: provided, that the party applying for such certificate shall return to the board the original certificate which was granted him, to be cancelled. And in all cases where the said party claimants have heretofore had their lands located and surveyed in good faith, in accordance with law, they shall have the preference right of locating the same lands, or so much thereof as they may be entitled to by virtue of the certificate granted them, the said party, by the tribunal established by this act.

Sec. 10. Be it further enacted, That the tribunal herein created shall grant to appellants of the district court under the sixth section of the land law passed December fourteenth, one thousand eight hundred and thirty-seven, upon the final judgment of the district court in appellants' favor, where appeals have not been taken to the supreme court in the time prescribed by law, the certificate which the appellant would have been entitled to receive from the board created by law.

Sec. 11. Be it further enacted, That it shall be the duty of the Commissioner of the General Land Office to grant to the holder of all unconditional certificates issued by the tribunal herein created, an unconditional patent for the amount of land to which each applicant may be entitled to receive, upon payment of fees at the office.

Sec. 12. Be it further enacted, That the chief justices, and associate justice, may constitute a quorum for business.

Sec. 13. Be it further enacted, That all those volunteers who arrived in this republic from the second of March, one thousand

hundred and thirty-six, to the first of August, one thousand and thirty-six, as mentioned in the twenty-ninth of the land law, of one thousand eight hundred and thirty-six, shall be exempted from the conditions as mentioned for the second and the third class of claimants.

Be it further enacted, That this tribunal shall have power to issue certificates to all those of the second or third class who have not received their certificates from the previous of land commissioners, upon their making the same as before required.

Be it further enacted, That the boards or tribunals created, shall have power to grant original or conditional certificates of the second or third class, until the first of October, one thousand eight hundred and forty-one, and no longer; and no certificate, shall be issued on any original or conditional certificate, obtained from the tribunal herein created, until the same shall have expired from the time of obtaining said original certificates, and that when the applicant has reappeared within the republic, he shall be entitled to an unconditional certificate.

Be it further enacted, That should any certificate issued in violation of the provisions of this act, they shall be, and are hereby declared null and void, and the members of the board, granting such illegal certificate, upon conviction of intentional fraud, or being found guilty of a high misdemeanor, and on being convicted, before the district court, shall be fined in a sum of not less than two thousand, nor more than ten thousand dollars, and shall be dismissed from office, and shall be forever thereafter, incapacitated from holding any office of profit, honor, or trust, within this state.

Be it further enacted, That this act shall [take] effect from and after the first Monday of March, one thousand eight hundred and forty-one.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

15th January, 1841.

DAVID G. BURNET.

AN ACT

To authorize the Firm of McKinney, Williams and Company, to issue their Notes for Circulation as Money.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That THOMAS F. McKinney, Samuel M. Williams, Nathaniel F. Williams, James P. McKinney, trading under the firm of McKinney, Williams, and Company, be, and they are hereby authorized to mortgage and pledge, free and unincumbered, real estate, to consist of houses and lots, and other improved property in the city of Houston, and improved lands, and Negroes, situated in the counties of Brazoria and Austin, with a saw-mill, and land in Liberty county, to make up the full sum of sixty thousand dollars, as security for the payment of thirty thousand dollars, and the property proposed to be mortgaged, shall be valued by three disinterested persons appointed by the chief justice, who shall certify on the cash value of the same; said notes to be issued in small denominations and circulated.

Sec. 2. Be it further enacted, That said McKinney, Williams and Company, shall not be permitted to issue at any time, more than two dollars of their own notes, for every dollar of their authorized capital on hand, for the prompt payment and redemption of their notes so issued; and any holder of their notes, is hereby authorized, on the refusal or failure of the said firm, to pay or redeem such notes on presentation in gold or silver, or in the current bills of the specie paying banks of the United States, or money passing at par in New Orleans, to have them forthwith protested, which protest shall be authority to any judge, or justice of the peace, to enter up judgment against said firm for the full amount of the notes so protested, and thereupon issue execution for the same, with costs and damages, to be levied on any property of theirs, whether belonging to them as partners, or individually, or private property, to be sold in five days after such levy, for the most it will bring in money, without admitting any plea of assignment or offset; and further, such judge or justice of the peace, shall forthwith enjoin all further proceedings of said firm under said act, and decree and proclaim the same null and void.

Sec. 3. Be it further enacted, That the mortgage contemplated in the first section of this act, shall be made to the order

respective counties where the property is situated, or by consulting the opinion of his associates, with respect to the estimated value of the property, the mortgages shall remain in full force and effect until the final liquidation of all the liabilities.

It is further enacted, That the judges of the county commissioners, have full power and authority once to examine the books of account of the said firm, and the provisions of this act, and examine the amount of money on hand, and also, the amount of issues; and report on any contravention of this act, which they may find, hereon.

It is further enacted, That said company, shall at no time put in circulation, more than thirty thousand dollar exchange notes.

It is further enacted, That any one of said company of Williams and Company, shall at the time of executing the same, take and subscribe an oath, that the property so mortgaged, is held of their own right, and free and clear of any other claim whatever, and said affidavit shall be recorded in the clerk's office of the county, where the property is situated.

It is further enacted, That it shall be the duty of said company to report to the Congress of this republic at its annual meeting, a statement of the amount of notes issued, the money on hand, and a synopsis of the general condition of the company, which statement shall be subscribed and attested by at least two members of said firm; and any failure to comply with the provisions of this section, shall be deemed a forfeiture of the privileges conferred in this act.

It is further enacted, That this company shall not exercise more than the legal interest of the country on any loan made by the company to any person, and any loan made contrary to this provision, shall be considered usurious, and held to be null and void.

It is further enacted, That the privileges herein granted shall remain in force until forfeited by a breach of the foregoing provisions, or until Congress may repeal this act, which right is hereby reserved.

It is further enacted, That banking privileges, as a public convenience, being inexpedient, the privileges herein granted to Williams and Company, are conceded to them in consideration of their having made large advances to this government during the period of its existence.

Sec. 11. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives

ANSON JONES,
President pro tem. of the Senate

Approved February 3rd, 1841.

DAVID G. BURNETT

AN ACT

Supplementary to an act entitled "an Act the better to define the boundaries of Fort Bend."

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the above recited act, be so altered and amended as to read that the boundary line of Fort Bend County, shall run with the line of Harris County, from the crossing of Buffalo Bayou, and shall be as described in the above described act, and that the boundary of Fort Bend, is what was intended to run in the said act.

DAVID S. KAUFMAN,
Speaker of the House of Representatives

ANSON JONES,
President pro tem. of the Senate

Approved February 4th, 1841.

DAVID G. BURNETT

AN ACT

To Establish and Incorporate the Guadalupe College.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That a seminary of learning be, and the same is hereby established in Gonzales, in the county of Gonzales, to be denominated "Guadalupe College."

Sec. 2. Be it further enacted, That the board of trustees of said college shall consist of thirteen members, including the chief justice of said county, and the mayor of said town, and

ectively, ex officio president and vice-president; and all take in charge the interest of said college; a majority number shall constitute a quorum to do business; the clerk of the county court shall be secretary and on the board, with such compensation as the trustees may determine to time allow: but the trustees shall in all cases perform their duties gratuitously.

Be it further enacted, That the following persons, in addition to the president and vice-president, shall constitute and be the said board, viz: John Lee Witter, Benjamin McD. McClure, Joseph D. Clements, C. S. Hamilton, D. W. Hard Veal, Robert Carr, Eli Mitchell, C. S. Brown, and J. Pilgrim.

Be it further enacted, That the trustees aforesaid be, and they are hereby constituted a body politic and corporate in law, by the name and style of "The Trustees of the College;" and by that name, they and their successors shall have succession, and be able and capable in law to hold and enjoy, to them and their successors, lands, tenements and hereditaments of any kind, in fee, or for life, or for any other personal property of any kind whatsoever; and also, all rights which may be given, granted or bequeathed to them for the purpose of promoting the purposes and interests of the college.

Be it further enacted, That there shall be a stated meeting of the board of trustees in each year, at the time of conferring degrees; that the president of said board of trustees shall have the right to call an occasional meeting of the board, whenever it may appear to him necessary; and in his absence, the vice-president or any other senior member of the board, shall discharge the duties usually performed by the president.

Be it further enacted, That the trustees of said college shall have a common seal for the business of themselves and their successors, with liberty to change or alter the same from time to time, as they shall think proper; and that by their name, they and their successors shall and may be lawfully and be sued, plead and be impleaded, answer and be defended, and be defended, in all courts of law and equity; and grant, bargain, and sell, or assign, any lands, tenements, goods or chattels, now belonging to said college, which may hereafter belong to the same; to construct all buildings for said institution; to establish a department; to have the management of the finances; to elect or electing their own officers; of appointing all committees; and to act and do all things whatsoever

for the benefit of the said institution, in as ample a manner as a person, or body politic or corporate, can and may do by law.

Sec. 7. Be it further enacted, That the said trustees shall have the power to prescribe the course of studies to be pursued by students, and of forming and enacting all such ordinances and laws as shall appear to them necessary, for the good government of said college and of their own proceedings; provided, the same be not repugnant to the Constitution and laws of the republic of Texas; and provided further, that in the course of studies established by said board, the Spanish language shall be considered as treated as only second in importance and utility to the English.

Sec. 8. Be it further enacted, That the principal of said college shall be styled the President, and the instructors thereof, Professors; and the President and Professors, or a majority of them, The Faculty of Guadalupe College; which faculty shall have power to enforce the ordinances and by-laws adopted by the board of trustees, for the government of the students, by rewarding or censuring them; and finally, by suspending such of them, as, after repeated admonition, shall continue disobedient or refractory until the determination of a quorum of trustees can be had; it shall only be in the power of a quorum of trustees at their stated meetings, to expel any student or students of said college.

Sec. 9. Be it further enacted, That the trustees shall have the power and authority, by the President and Professors of the said college, to grant or confer any degree or degrees in the arts and sciences, to any of the students of the said college, or persons whom they deem worthy, as are usually granted and conferred by other colleges; and to give diplomas or memorials thereof, signed by them, and sealed with the common seal of the college, to authenticate and perpetuate the memory of such graduations.

Sec. 10. Be it further enacted, That whenever any vacancy shall occur in the board of trustees, either by death, resignation or otherwise, such vacancy shall be filled by a majority of the remaining trustees.

Sec. 11. Be it further enacted, That all necessary officers of said institution shall be appointed by a majority of said board of trustees: and whenever a vacancy shall occur in the presidency or any of the professorships of the college, the board of trustees shall have the power to fill such vacancy.

Sec. 12. Be it further enacted, That the trustees shall have the power to fix the salaries of all the officers connected with the college, and of removing any of them for neglect or

ice, a majority of the whole board concurring in such

Be it further enacted, That the institution hereby established, shall be purely literary and scientific; and no religious denominations whatsoever shall be entitled to any special advantages.

Be it further enacted, That the lands, public buildings, and property belonging to the said college are hereby decreed free from any kind of public tax.

Be it further enacted, That in the plan for the public building of the said college, there shall never be erected or allowed any hall, commons or dormitory, for the accomodation of students.

Be it further enacted, That the names of all donors to the said college, with their donations annexed, shall be carefully inscribed in a book kept for that purpose, which shall be deposited among the archives of said college, in order that posterity may know who were the benefactors of the institution.

Be it further enacted, That for the space and term of ten years from and after the passage of this act, the heirs and assigns of all those who died in defence of the Alamo, in the said college, shall be fully entitled to the enjoyment of all and singular the rights, privileges and immunities appertaining to students of the said college, free of all fees, perquisites or charges whatsoever.

Be it further enacted, That the trustees of said college shall have power to appoint six honorary members, to be added to the board; and the said members so appointed may take their part in the meeting of the board and advise and confer with the trustees thereof: but in all cases, a majority of the regular board shall be necessary to transact business.

Be it further enacted, That four leagues of land shall be granted to the trustees of said college, and their successors, to be located on any vacant and unappropriated land in this republic, in tracts of not less than one-fourth of a league; and that the Commissioner of the General Land Office be authorized to issue certificates in tracts of not less than one-fourth of a league, in the name of the trustees of Gaudalupe College, and their successors, without charging any fees for the same; and the said trustees are empowered to employ any legally qualified surveyor, to locate and survey the same, and make and record field notes, which shall be received and examined by the said surveyor, in the manner prescribed by law, without the payment of any fees for the same; and the Commissioner of the

General Land Office is hereby required to issue patents for the same to the trustees aforesaid, and their successors; and the said land shall not be disposed of, in any way, by the trustees, within a less time than five years after the same shall have been patented by the government; nor at any time thereafter, unless the said land shall yield to the institution three dollars per acre in par funds.

Sec. 20. Be it further enacted, That the said four leagues of land are hereby given, granted and confirmed, to the said trustees of said college, and their successors, who shall have full power to sell, alienate, lease, rent, or otherwise dispose of the same; and the proceeds thereof shall be for the erection of suitable buildings for the purchase of philosophical, astronomical, and chemical apparatus, and for the promotion of literature, science, and the arts in general, and for no other purpose whatever.

Sec. 21. Be it further enacted, That the property owned by the said college, under the provisions of this act, shall at no time exceed in value the amount of two hundred thousand dollars.

Sec. 22. Be it further enacted, That this act shall be deemed a public act, and judicially taken notice of, without special pleading.

Sec. 23. Be it further enacted, That the Congress of the republic shall have, and it hereby reserves the power to revive or repeal this act at each successive period of twenty years, from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives,
ANSON JONES,
President pro tem. of the Senate

Approved January 30th, 1841.

DAVID G. BURNETT

AN ACT

Legalizing the Official Acts of Wm. H. Steele, Commissioner

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all deeds and titles issued by Wm. H. Steele, as commissioner for the Nacogdoches colony, to actual settlers who were at the time of the granting the said deeds, are now or were at the time of the death, actual citizens of the republic of Texas, as colonists, shall be as valid as if issued by a legally authorized commissioner.

the contrary, notwithstanding: provided, as if said have been valid had they been issued by a regularly commissioner.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

January 28th, 1841.

DAVID G. BURNET.

AN ACT

to amend the several Appropriations for the Navy Department, for the year eighteen hundred and forty.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the laws made by the fourth Congress, for the naval department, be, and the same are hereby consolidated so that the Auditor and Comptroller be authorized and empowered to audit the accounts of N. T. Brannum, naval agent, for services paid by him, which are properly approved and certified.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

February 4th, 1841.

DAVID G. BURNET.

AN ACT

supplementary to "An Act for the Relief of Jonathan Ikin."

Whereas it has been shown, that an act passed during the last session of the Congress of this Republic, entitled "An Act for the Relief of Jonathan Ikin," was in regard to the time allowed for the completion of a certain number of emigrants, so limited as to be impracticable for the fulfilment of its objects and conditions impracticable.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the said act shall be renewed, and remain in force (with

the exception of the clause limiting the introductions of emigrants to the first of September, eighteen hundred and forty,) until the first of September, one thousand eight hundred and forty-two.

DAVID S. KAUFMAN

Speaker of the House of Representatives

ANSON JONES,

President pro tem. of the Senate

Approved February 3d, 1841.

DAVID G. BURNETT

AN ACT

Supplementary to "An Act to establish and Incorporate Riceville College," approved February fifth, one thousand eight hundred and forty.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the proviso in section fourth, be so amended as to read one hundred thousand dollars over and above the necessary buildings, books and apparatus necessary to carry on the institution.

Sec. 2. Be it further enacted, That the sixteenth section be amended as to read all nuisances, gross immoralities, &c., shall be removed and abated, by application to the district court of Falls County, by the trustees of said college.

Sec. 3. Be it further enacted, That section twenty-first, be amended as to read, that this act shall remain in force for nine years, and no longer, subject to such modifications, amendments and revisions, as Congress may from time to time enact.

Sec. 4. Be it further enacted, That no misnomer of the college, shall defeat or annul any gift, grant, devise, or bequest of the same.

Sec. 5. Be it further enacted, That the professors of said college, shall not be eligible to act as trustee or trustees for the college, and in case either of the trustees may hereafter be employed, he shall discharge any of the duties in and about said college, he or they shall resign their station as trustee or trustees, before entering on the duties assigned him or them.

Sec. 6. Be it further enacted, That whenever any rule, or resolution, may be passed or adopted by the board of trustees, at a regular or stated meeting of said board, it shall

for a called meeting of said board, to repeal or rescind
it, or resolution.

it further enacted, That any violation of any re-
this charter, shall work a forfeiture of all the privi-
to the same.

it further enacted, That this act shall take effect
on its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

February 1st, 1841.

DAVID G. BURNET.

AN ACT

of those who have taken the Benefit of the Insol-
vent Laws of other Countries.

it enacted by the Senate and House of Representa-
Republic of Texas, in Congress assembled, That
or persons, who may have, or may hereafter emi-
become a citizen or citizens of this republic, and
ve yielded and given up his or their property in
of his or their debts, under the bankrupt, insolvent,
laws of the state or country from which he or they
emigrated, or shall have otherwise, honestly, and
disposed of his or their property, in payment and
of his or their debts as aforesaid, by the said person
properly authenticated certificate, from the state or
which he emigrates, of the fact of having taken the
assignment or insolvent law, which certificate shall
by an authorized consul, or an accredited agent of
provided, that the person so applying, shall be al-
months from the time of pleading his insolvency
certificate aforesaid, that he or they have so yielded,
disposed of all his or their property as aforesaid, and
certificate to that effect, shall be as fully and
empt, and discharged from all and every debt, and
liability contracted previous to his or their having
benefit of the law as aforesaid; provided, however,
certificate shall not bar the rights of creditors upon

proof of fraud or falsity of said oath; and if said oath be false when taken, the person or persons so swearing falsely, shall be subject to prosecution and punishment for perjury.

DAVID S. KAUFMAN,

Speaker of the House of Representatives

ANSON JONES,

President pro tem. of the Senate

AN ACT

Prescribing the mode in which Married Persons may dispose of their separate Property.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage or approval of this Act, when a husband and his wife, have sealed and delivered a writing purporting to be a conveyance of any estate, or interest in any land, slave, or slave or other effects, the separate property of the wife, if she appears before any judge of the district court, or chief justice of the county court, and being examined privily and apart from her husband, shall declare that she did freely and willingly, seal and deliver the said writing, (to be then shown and explained to her) and wishes not to retract it, and shall acknowledge the said writing so again shown to her, to be her act; such privy examination, acknowledgment and declaration, the said judge or chief justice shall certify under his hand and seal by a certificate annexed to said writing, and to the following effect, or substance thereof, to wit:—

Republic of Texas, } I, A. B., chief justice of the county
County of _____ } aforesaid, do hereby certify, that E. F.,
the wife of G. H., parties to a certain deed, bearing date on
_____ day of _____ and hereunto annexed, personally appeared
before me, the chief justice of the county aforesaid, and having
been examined by me privily and apart from her husband,
having the deed aforesaid fully explained to her, she, the said
E. F., acknowledged the same to be her act and deed, and declared
that she had willingly signed, sealed, and delivered the same,
and that she wished not to retract it.

Given under my hand and seal, this _____
of _____

SEAL

ificate showing. that the requisitions of the law have
l with, shall be as valid as the form here prescribed,
veyance shall pass all the right, title, and interest,
band and wife, or either of them may have in or to
herein conveyed.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

February 3d, 1841.

DAVID G. BURNET.

JOINT RESOLUTION

relief of Capt. A. C. Hinton, and other purposes.

it resolved by the Senate and House of Representa-
public of Texas, in Congress assembled, That it shall
be lawful to deprive any officer in the Military or
of this Republic, for any misconduct in office of his
unless by the sentence of a court martial.

it further [resolved,] That the Secretary of War,
head of the naval service, be, and he is hereby di-
a court of inquiry, in the case of Capt. A. C. Hinton,
er of the steam ship of war Zavala, in the naval ser-
public, and that the said Capt. A. C. Hinton, be fur-
copy of the charges and specifications against him,
eedings of said court of inquiry, be, in all other
ed according to law.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

February 4th, 1841.

DAVID G. BURNET.

AN ACT

To Establish and Incorporate Trinity College.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That a seminary of learning be, and the same is hereby established at Lufkin, in Houston county, to be denominated the "Trinity College."

Sec. 2. Be it further enacted, That there shall be eleven trustees, who are hereby authorized to take charge of the interest of the college; and a majority of the whole number shall constitute a quorum to do business.

Sec. 3. Be it further enacted, That the following persons have been duly chosen trustees of the college, and are recognized as such, viz: G. W. Grant, Jacob Allbright, George Pruitt, Colindrick, Elisha Clapp, John Morthans, Isaac Parker, Ralph Nelson, Elijah Gossett, William Clark, and James Carr.

Sec. 4. Be it further enacted, That the trustees aforesaid and they are hereby constituted a body politic and corporate in deed and in law, by the name of "The President and Trustees of Trinity College," and by that name they and their successors shall and may have succession, and exercise the privileges herein granted, for the term of twenty years, and no longer; and be able and capable in law to have, receive, and enjoy, to them and their successors, lands, tenements, hereditaments of any kind, in fee, or for life or for years, and personal property of any kind whatsoever, and also all sums of money which may be given, granted, or bequeathed to them, for the purpose of promoting the interest of the said college: provided, that the property owned by the trustees corporate under the provisions of this act, shall at no time exceed in value the amount of one hundred thousand dollars, over and above the buildings, apparatus, and library.

Sec. 5. Be it further enacted, That there shall be a stated meeting of the board of trustees, in each year, at the time of conferring degrees; and that the president of said board of trustees shall have full power to call an occasional meeting of the board whenever it shall appear to him necessary.

Sec. 6. Be it further enacted, That the trustees of said college shall and may have a common seal for the business of themselves and their successors, with liberty to change or alter the same from time to time, as they shall think proper; and that their aforesaid name, they and their successors shall and may be able to sue and be sued, plead and be impleaded, answer and

and be defended, in all courts of law and equity; and to grant, bargain, and sell, or assign, any lands, goods or chattels, now belonging to said college, hereafter belong to the same; to construct all the buildings for said institution; to establish a preparatory school and a female department, and such other dependent upon them as they shall deem necessary; to have the management of the college, the privilege of electing their own officers, of appointing necessary committees; and to act and do all things for the benefit of said institution, in as ample a manner as any person, or body politic or corporate, can and may do by

it further enacted, That the said trustees shall have the power of prescribing the course of studies to be pursued by the students, and of framing and enacting all such ordinances and regulations as shall appear to them necessary, for the good government of said college and of their own proceedings; provided, that the same be not repugnant to the Constitution and laws of the State of Texas.

it further enacted, That the head of said college shall be the President, and the instructors thereof, the Professors, or a majority of them, of Trinity College; which faculty shall have power of enacting ordinances and by-laws adopted by the trustees, for the government of the students, by rewarding or censuring them; by suspending such of them, as, after repeated admonitions, continue disobedient or refractory, until a determination of trustees can be had; but it shall be only in the annual meeting of trustees at their stated meetings, to expel or remove students of the said college.

it further enacted, That the trustees shall have full power to grant degrees to the President or Professors of the said college, to grant a degree or degrees in the arts or sciences, to any of the students of the said college, or persons by them thought proper, who shall usually be granted and conferred in other colleges; and to issue diplomas or certificates thereof, signed by them, and sealed with the common seal of the trustees of the college, to authenticate the memory of such graduations.

it further enacted, That whenever any vacancy shall occur in the board of trustees, either by death, resignation, or removal, such vacancy shall be filled by a majority of the remaining trustees.

Sec. 11. Be it further enacted, That all necessary officers of said institution shall be appointed by a majority of the board of trustees.

Sec. 12. Be it further enacted, That whenever a vacancy shall occur in the presidency or any of the professorships of the board of trustees shall have the power to fill such vacancy.

Sec. 13. Be it further enacted, That the trustees shall have power of fixing the salaries of all the officers connected with the college—of removing any of them for neglect or misconduct in office; a majority of the whole number concurring in said removal.

Sec. 14. Be it further enacted, That the institution hereinafter incorporated, shall be purely literary and scientific; and the students of all religious denominations shall enjoy equal advantages.

Sec. 15. Be it further enacted, That the lands, public buildings, and other property belonging to the said college, are hereby declared to be free from any kind of public tax for five years.

Sec. 16. Be it further enacted, That the trustees of Trinity College shall have power to appoint six honorary members to be added to their number; and the said members so appointed shall take their seats at any meeting of the board, and have all the powers and privileges that other members of the board have. It is provided, that a quorum of the board of trustees constituted by this act, shall be present and that this charter shall be subject to such alterations, revisions, and amendments, as Congress may from time to time deem necessary.

Sec. 17. Be it further enacted, That this act shall be deemed a public act, and judicially taken notice of without special pleading.

DAVID S. KAUFMAN,
Speaker of the House of Representatives,
ANSON JONES,
President pro tem. of the Senate.

Approved January 30th, 1841.

DAVID G. BURTON

AN ACT

to legalize the Official Acts of Samuel Todd, and those who acted as his Deputies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the acts of Samuel Todd, as clerk of the county court of Shelby and of all others who have acted as his deputies, by appointment made in accordance with law, be, and the same are legalized, and made as valid in law, as if said Todd had been so commissioned in conformity with law.

Be it further enacted, That nothing contained in this Act be so construed as to relate to the legalizing the acts of Samuel Todd and his deputies, which would have been illegal, had they been so commissioned, and given bond as the law required.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Enacted December 24th, 1840.

DAVID G. BURNET.

AN ACT

To Establish and Incorporate the Austin Lyceum.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That Morris, Thomas Gales Forster, Geo. W. Bonnell, Geo. W. Brenham, Richard F. Brenham, Geo. J. Durham, James M. Henry J. Jewett, and M. P. Woodhouse, of the county of Travis, their associates and successors, are hereby constituted a Lyceum, to be organized and incorporated, for the encouragement of literary and scientific pursuits, by the name and style of the "Austin Lyceum," and by that name, may receive, hold, and enjoy, lands, tenements, and hereditaments, and personal property, and sums of money, and any amount not exceeding fifty thousand dollars, and the said Lyceum may sue and be sued, defend and be defended, in any courts of law and equity within this Republic, and

may enact such rules and regulations as may be proper for conducting the affairs of said institution.

Sec. 2. Be it further enacted, That the aforesaid persons, associates, and successors, shall have access to the books in the public library at Austin, under such restrictions as may be thought proper by the secretary of state.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN

Speaker of the House of Representatives

ANSON JONES,

President pro tem. of the Senate

Approved February 4th, 1841.

DAVID G. BURNETT

AN ACT

To authorize the Commissioner of the General Land Office to employ a Draftsman, and providing for the Compensation of County Surveyors.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Commissioner of the General Land Office be, and he is hereby authorized and required to employ a Draftsman for the General Land Office, whose duty it shall be to make out and complete maps of the several counties of the republic, from the maps already forwarded, and to be forwarded, by the county surveyors of the several counties; and that he shall from time to time, as improvements or surveys are made in the several counties, and forwarded as required by law, plot such surveys or improvements on the several counties of the General Land Office; and that he shall as soon as practicable construct a large connected map of the republic, as well as to perform all drafting that may be required of him by the Commissioner of the General Land Office, for the benefit of the republic, which he shall receive as compensation, a salary of three thousand dollars per annum: and all county surveyors are hereby required to forward, quarterly, to the General Land Office, all the additions that may have been made, or to be made, of surveys in the several counties.

Sec. [2.] Be it further enacted, That the county surveyors of the several counties shall receive a reasonable compensation

transcripts, etc., forwarded by them to the General as required by law; their accounts to be approved Commissioner of the General Land Office: and the Auditor required to audit the same.

He it further enacted, That the Commissioner of the Land Office be, and he is hereby authorized and required for the translation of all Spanish titles, documents, in the General Land Office, not already translated, and the same in a well bound book or books, to be purchased by the General Land Office for that purpose; provided, that no person so employed shall not receive more than ten dollars per month for translating, and not more than twenty-five cents per day for recording the same: and the sum of fifteen thousand dollars is hereby appropriated to carry out the provisions of

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

February 5th, 1841.

DAVID G. BURNET.

AN ACT

For the purpose of carrying into effect the provisions of an Act to authorize and require the Commissioner of the Land Office to commence the issuing of land warrants for other purposes," approved January nineteenth, one thousand eight hundred and forty.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That there be and there shall be paid to the Commissioner General of the Land Office, by him or his clerks, in all cases, whether the same is for headright claims, or for land warrants, the same fees as are directed to be paid for the issuing of patents, by the provisions of the act to which this act shall take effect from and after

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

February 5th, 1841.

DAVID G. BURNET.

A JOINT RESOLUTION

For the Relief of the Clerks employed in the several Departments and Bureaus of the Government.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That much of a certain act passed at the last session of Congress, proved on the thirteenth day of January, one thousand eight hundred and forty, entitled a "Joint Resolution for the Relief of Clerks employed in the several Departments and Bureaus of Government," which act expired by its own limitation on the first day of October last past, be, and the same is hereby revived, so as the salary and pay of the said clerks is concerned, the same though the above recited act had not been so limited.

Sec. 2. Be it further resolved, That the operations of this shall be so construed as to take effect from and after the first day of October last past, and continue in force until the first day of January, one thousand eight hundred and forty-one, or until repealed by act of Congress; and that the Secretary of the Treasury is hereby authorized and required to allow to each clerk the same pay per month, as was provided in the above recited act.

DAVID S. KAUFMAN,
Speaker of the House of Representatives
DAVID G. BURNET,
President of the Senate

Approved 3d December, 1840.

MIRABEAU B. LAMAR

JOINT RESOLUTION

Extending the time for Collection of Taxes.

Resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the period prescribed by law for the collection of taxes of the present year, and the same is hereby extended to the first day of June, 1841; and the Secretary of the Treasury be required to notify the sheriffs and tax collectors of the same.

Be it further resolved, That all persons, who, from
omission or other causes, have not been able to comply
visions of said law, be, and the same are hereby exempt
alties prescribed therein; provided, they pay into the
officers designated by law, the full amount of their
s within the time prescribed by this resolution.
Be it further resolved, That the foregoing resolution go
om and after the final passage of the same.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

10th December, 1840.

MIRABEAU B. LAMAR.

AN ACT

a part of the County of Harrison for Judicial and
other purposes.

Be it enacted by the Senate and House of Representa-
Republic of Texas, in Congress assembled, That from
e passage of this act, all that part of the county of
nprehended within the following limits, to wit: be-
the boundary line of Louisiana and Harrison county,
uth of a point immediately east of Edward Smith's;
to the centre channel of Ferry Lake; thence up said
mouth of Big Cypress Bayou; thence up said Bayou,
ng of the Cherokee trace; thence southward with said
Sabine River; thence down said river to a point directly
place of starting; thence east to the beginning, be, and
hereby constituted a separate district or territory, for
other purposes, enjoyed by the inhabitants of the sev-
of this Republic, except that of separate representa-
ress, which privilege shall be exercised by them as here-
the previous organization of Harrison county.

Be it further enacted, That the above described
ll be known and styled by the name of "Panola," and
nized in conformity with "an act to organize the in-
, and defining the powers and jurisdiction of the

same;" and the election for the several county officers, shall be on the first Monday in April next, and the inferior or county courts, shall be holden in the same, on the second Mondays of February, May, August, and November, in each and every year.

Sec. 3. Be it further enacted, That Sebron Robertson, John Clifton, David Hill, Peter Whetstone, and James A. Williams, appointed commissioners, to select a site for the seat of justice, said county or territory, and the point so selected, shall be a place for holding the district and county courts, and shall be situated on the north side of the river, and shall be called the "Seat of Justice," and the above named commissioners shall have the right to purchase or receive by donation, any quantity of land not exceeding three hundred and twenty acres, to be laid out in suitable lots, and sold by the said commissioners, for the purpose of erecting public buildings, and the necessary expenses attending the same; and in case of the inability of any of the commissioners to act, a majority shall have the right to act and fill any such vacancies.

Sec. 4. Be it further enacted, That the southern line of the limits of Harrison county shall hereafter commence on the South River, at a point known as Watson's Ferry; thence due west to the present boundary of Harrison county; and the territory heretofore belonging to the county of Harrison south of said line, shall be attached to the county of Shelby; and all the territory heretofore belonging to the county of Shelby, north of said line, shall be attached to and belong to the county of Harrison.

Sec. 5. Be it further enacted, That Hancock Smith, Samuel Call, William Fitz Gibbons, Captain Copeland, and James Tipple, are hereby appointed commissioners to select a site for the seat of justice of Harrison county; and the point so selected, shall be a place for holding the district and county courts, and shall be situated on the north side of the river, and shall be called the "Seat of Justice," and the above named commissioners shall have the right to purchase or receive by donation for the use of said county, not exceeding three hundred and twenty acres of land, to be laid out in suitable lots, and sold by the said commissioners, for the purpose of erecting public buildings, and the necessary expenses attending the same; and in case of the inability of any of the commissioners to act, a majority shall have the right to act, and fill any such vacancies.

Sec. 6. Be it further enacted, That the county or district of Panola, shall constitute and form a part of the seventh judicial district, and the district court in Harrison county shall be holden on the first Mondays of March and September, and may continue one week, and no longer; in the county or territory of Panola, on the second Mondays of March and September.

one week and no longer. This section shall not take effect after the adjournment of the ensuing spring court, which shall be at the place now fixed by law, and the present officers shall attend the same.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

January 30th, 1841.

DAVID G. BURNET.

AN ACT

to amend the act relating to the time of holding the Courts in the Fifth Judicial District.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the term of the county of San Augustine, shall commence on the fourth Mondays of March and September, and continue in session five weeks; for the county of Nacogdoches, on the first Mondays of May and November, and continue in session three weeks; in the county of San Antonio, on the fourth Mondays of May and November, and continue in session one week; and in the county of Houston, on the fourth Mondays of May and November, and continue in session until the business is disposed [of.] Be it further enacted, That all process returnable and returnable at the terms heretofore fixed by law, shall be triable at the terms fixed by this statute.

Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

February 5th, 1841.

DAVID G. BURNET.

AN ACT

To Incorporate the Galveston and Virginia Point Bridge Company

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That a company be, and is hereby incorporated under the name and style "The Galveston and Virginia Point Bridge Company;" to be governed by the rules and regulations hereinafter mentioned: under this title may transfer their right by succession or assignment, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended in all courts and places whatsoever, and doing and performing all things which are necessary and common for companies of a similar nature to do, not contrary to the provisions of this charter, as hereafter enacted, or to the Constitution of this republic.

Sec. 2. Be it further enacted, That the said company shall have the right to make a bridge from the island of Galveston to Virginia Point, on the main land, at such points as the company may agree upon, for the purpose of forming a full communication between the two places.

Sec. 3. Be it further enacted, That the capital stock of said company shall be seventy-five thousand dollars, to be divided into seven thousand five hundred shares, of ten dollars each.

Sec. 4. Be it further enacted, That the management of the affairs of said company shall be conducted by a board of seven directors, each of whom shall own at least one hundred shares of the capital stock of said company; and four of said directors shall constitute a quorum to do and perform all the business necessary to the successful operation of said improvement. A majority of said directors shall appoint a president from their number, and fill such vacancies as may from time to time take place from death, resignation, or otherwise; and after the first election of directors, all subsequent elections shall take place in the city of Galveston, on the first Monday in May of each year: and in case of failure to so elect said directors, the corporation shall not be dissolved for that cause; but the President and Directors for the time being, shall continue in office until there shall be an election: provided also, that it shall be the duty of said directors to call a meeting of the stock-holders

y, to elect the directory so omitted to be done at the
od.

Be it further enacted, That each stock-holder shall
te for each share that he may own, and may vote in
r proxy.

Be it further enacted, That James Love, Gail Borden,
Menard, Samuel M. Williams, Pizarra Edmonds, John
nd E. L. Ufford, are hereby constituted and appointed
ers to open books for the subscription of the capital
l company, at such time and places as they may deem
h books shall remain open until the whole number of
be subscribed for; and whenever two thousand dollars
en subscribed, it shall be the duty of the commissioners
y days notice in one or more newspapers published in
Galveston, requiring the stock-holders to meet in the
eston, to choose by a majority of the votes of the sub-
ballot, to be delivered in person, or by proxy duly au-
en directors, and such other officers as they may think
conduct the business of said company, for one year, or
election shall be had, agreeably to this act.

Be it further enacted, That on application for shares,
two dollars for each share applied for, shall be deposited
mmissioners, and the balance shall be paid in such in-
nd at such times, as the President and Directors may
rovided, that public notice be given in two newspapers
s, of the amount of such instalments, and the place and
nent. And in case that any of the stock-holders neglect
of the instalments after being thus notified, at the ex-
aid term, the shares, as also the previous or subsequent
which may have been paid, shall be forfeited for the
e company, and a new subscription may be opened, or
may be sold to cover any deficit occasioned by the non-
the instalment due on said share.

Be it further enacted, That the President and Directors
pany shall have the authority to adopt all such rules,
and by-laws, as they may consider necessary to carry
acts contemplated by this act of incorporation.

Be it further enacted, That the said company shall
ght to enter or to take possession of any land upon
f Galveston, or on the main land at the said Virginia
h may be necessary for the purpose of said bridge;
e quantity shall not exceed at either place fifty acres;
take possession of any portion of the Deer Island,

for the passage of the bridge, to an extent not to exceed in width one hundred yards, by paying the owner or owners of the land whatever price may be agreed upon: and should the said owner or owners of the land not be able to agree as to the price, or should be absent or unknown, or unable to contract, the company may petition the chief justice of the county court of the county of Galveston, giving a description of the land which they require, with the names of the proprietors, if they can be ascertained; and the said judge shall then summon a jury of six freeholders, not interested in the company, who, on oath, shall make a report of the value of the land so required; and upon the payment thereof, the company, either to the owner or to the treasurer of the county a good and bona fide title shall be granted by the judge, a copy of which shall be recorded in the office of the clerk of the county court of said county.

Sec. 10. Be it further enacted, That said company shall have the right to occupy, gratis, any portion of the public domain over which said bridge may be constructed; provided the same shall not be more than one hundred yards wide.

Sec. 11. Be it further enacted, That if any person or persons whatsoever shall wilfully, by any means whatsoever, injure, molest or destroy any part of the bridge constructed by said company under this act, or any of their works, buildings, materials or structures, or other property, such person or persons so offending, shall, each of them, be liable for all damages occasioned thereby, and at any time within twelve months after such offence shall have been committed; and upon conviction, be fined not exceeding two thousand dollars, or imprisoned not exceeding twelve months, or both, at the discretion of the court.

Sec. 12. Be it further enacted, That the said bridge shall be commenced within eighteen months, and finished within three years; otherwise this charter shall be forfeited, and forever after null and void.

Sec. 13. Be it further enacted, That this act shall not be construed as to permit banking privileges in any form whatever, and should the same be exercised in any form or manner, this charter shall be forfeited.

DAVID S. KAUFMAN,
Speaker of the House of Representatives
ANSON JONES,
President pro tem. of the Senate

Approved February 5th, 1841.

DAVID G. BURNETT

AN ACT

much of an act, as provides for Consular Certificates.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all of the fourth section of an act entitled "An act altering the mode of raising a public revenue by impost duties," approved February the fifth, eighteen hundred and forty, requiring certificates to accompany all invoices of goods imported into this republic, be, and the same is hereby repealed.

Be it further enacted, That so much of the fifth section of the aforesaid act, as provides that appraisers shall be paid for their services as collector or introducer of goods, twenty-five dollars per day, the same is hereby repealed, and that hereafter the appraisers employed by the collector, shall be entitled to five dollars per day, no more, to be paid out of any public monies in the hands of the collector, and not by the importer or introducer, as

Be it further enacted, That this act take effect from and after the passage thereof.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

February 1st, 1841.

DAVID G. BURNET.

JOINT RESOLUTION

Sheriffs of certain Counties to perform certain duties.

Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Sheriffs of the following counties are hereby constituted collectors of the republic revenue arising from impost duties for the following counties, to wit;—Jefferson, Jasper, Sabine, Shelby, Panola, Paschal, Red River, Lamar, Bowie, Fannin, and Nacogdoches, and for a compensation of their services they shall be allowed ten per cent. upon the whole amount collected: provided, citizens of any of the given counties shall obtain a passport, and pay the duties to the Sheriff

or deputy of the county where said citizen may reside, of any such county; all strangers or foreigners, or citizens of any county not mentioned in this act, introducing goods, shall pay the duties to the Sheriff of the county in which first introduced, and his receipt shall be good for the same; any person violating this act shall be subject to the pains and penalties of the revenue laws; provided, that the provisions of this section shall not be so construed as to apply to goods introduced in any other county except those specified in this act; provided also, that the ten per cent. paid to the Sheriffs for collecting, shall be the only expense the government shall incur in the collection of the impost duties in said district.

Sec. 2. Be it further resolved, That so much of the act authorizing the appointment of collectors by the President in that portion of the Republic comprehended in the above named counties, be, and the same is hereby repealed.

Sec. 3. Be it further resolved, That the secretary of the treasury shall require of the Sheriff of each of the counties mentioned in this act, such bonds with security as will insure a faithful discharge of the duties as ex-officio collectors.

Sec. 4. Be it further resolved, That it shall be the duty of the secretary of the treasury, to issue to the Sheriffs of the several counties named in this act, such instructions as he may deem necessary to insure the faithful collection of the duties, and a strict compliance with the true intent and meaning of this act.

Sec. 5. Be it further resolved, That this act shall be in force and take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

Approved February 6th, 1841.

DAVID G. BURNET.

AN ACT

Authorizing any holder of Promissory Notes, Bonds, Funded Debt or any other liquidated claims against the government, to surrender the same, and receive in lieu thereof, Land Scrip.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled That from and after the passage of this act, any individual who shall present to the secretary of the treasury any promissory

, funded debt or other liquidated demands against the Texas, shall be entitled upon the cancelling of the receive from the secretary of the treasury a certificate of t so much has been deposited and cancelled; upon the of which certificate to the commissioner of the gen- ice, he shall be authorized and required to issue to the land scrip to the amount thereof, at the price of two acre.

Be it further enacted, That the said land scrip shall be , as shall be approved by the President, shall be signed' nmissioner of the general land office, and countersigned tary of the treasury.

Be it further enacted, That the said land scrip shall be not less than six hundred and forty acres, and three l twenty acres, shall be located, surveyed, and patented o the law now in existence; provided, that said three l twenty acres shall only be issued to actual citizens of

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

February 5th, 1841.

DAVID G. BURNET.

JOINT RESOLUTION

f of the Clerks, Door-Keepers and Seargeants-at-Arms, f the Senate and House of Representatives.

Be it resolved by the Senate and House of Representa- Republic of Texas, in Congress assembled, That the eants-at-arms and door-keepers, shall be entitled to per diem, in addition to the amount allowed by an act act compensating officers of the civil list, approved ne 9th, 1836, and two dollars per diem to the door- porters,—and the auditor and comptroller are hereby audit and pass the same; and the secretary of the treas- y required to issue a sufficient amount of the eight per or promissory notes of the government to pay the same. Be it further [resolved,] That from and after the his joint resolution, the chief clerk of the Senate shall only during the session of congress, and it shall be

his duty immediately upon the adjournment of each and session of congress to deliver to the chief clerk of the house of representatives all records, documents and property of every description belonging to the senate.

Sec. 3. Be it further resolved, That the chief clerk of the house of representatives shall be sworn by the President of the senate for the faithful performance of the duties herein imposed upon him, and to preserve the secrets of the senate; and he shall be required to close all the business, copy and bring up all the records and preserve all the archives and property of the senate.

Sec. 4. Be it further resolved, That the extra pay, provided for in the first section of this joint resolution, shall only be allowed to the officers therein named, for and during the present session of congress and no longer, and shall only extend to the officers that shall be in the employ of the two houses at the close of the session.

Sec. 5. Be it further resolved, That no officer of the house of representatives who has received, or may receive extra pay by virtue of the simple resolution of the house, shall be entitled to the benefits of the first section of this joint resolution.

Sec. 6. Be it further resolved, That this joint resolution shall take force from the second day of November last.

DAVID S. KAUFMAN

Speaker of the House of Representatives

ANSON JONES,

President pro tem. of the Senate

Approved February 4th, 1841.

DAVID G. BURNETT

JOINT RESOLUTION

For the relief of the Clerks of the Naval and other Bureaus

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the clerks of the Naval Bureau, the Post Office and the Stock Commissioner's office, shall be allowed the same salary as the heads of other bureaus.

Sec. 2. Be it further resolved, That this resolution take effect from and after its passage.

DAVID S. KAUFMAN

Speaker of the House of Representatives

ANSON JONES,

President pro tem. of the Senate

Approved February 3d, 1841.

DAVID G. BURNETT

JOINT RESOLUTION

g the Postmaster General to suspend all Contracts for carrying the Mail for the year 1841.

Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the General, be, and he is hereby instructed to suspend all or carrying the mail until the 20th day of December, as congress shall otherwise direct.

Be it further resolved, That this joint resolution shall from and after its passage,

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

DAVID G. BURNET,
President of the Senate.

d 12th December, 1840.

MIRABEAU B. LAMAR.

AN ACT

Of Limitations.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from the approval or final passage of this act, all actions of injury done to the estate, or property of another; all detaining the personal property, and for converting real property to one's own use; all actions for taking away and chattels of another; and all actions upon open account than such accounts as concern the trade of merchantmen merchant and merchant, their factors and servants, commenced and sued within two years next after the cause of action or suit, and not after. All actions for injuries done to another, as of assault, battery, wounding or imprisonment, all actions for injuries done the character or reputation as of libel, or slander, shall be commenced and sued within one year next after the cause of such action or suit, and not after. All actions of debt grounded upon any contract in writing shall be commenced and sued within four years next after the cause of action or suit, and not after.

Sec. 2. Be it further enacted, That judgment in any court of record within this republic, when execution hath not issued within twelve months after the rendition of the judgment, may be revived by scire facias, or an action of debt brought thereon within ten years next after the date of such judgment, and not after; or where execution hath issued and no return is made thereon, the party in whose favor the same was issued shall not be liable to move against any Sheriff or other officer, or his or their security or securities, for not returning the same within five years from the day on which it was returnable, and not after; provided that always when any person or persons entitled to such judgment, where execution hath not issued and no return made, (in either case,) shall be or were under the age of twenty-one years, or was a married woman, a person of unsound mind, imprisoned not within the republic, at the time of such judgment being rendered or such execution being returnable, every such person, or her heirs, executors or administrators, shall and may, notwithstanding the said ten or five years are, or shall have, expired, have the benefit of said judgment, where no execution hath issued, by reviving the same by scire facias or by action of debt; and where execution hath issued, and no return made, every such person, or his or her heirs, executors or administrators may have the benefit of other executions, or may move against the Sheriff or other officer, or his or their security or securities for the same, within ten years next after such disabilities be removed, and not after.

Sec. 3. Be it further enacted, That all actions or suits founded upon any account for goods, wares or merchandise sold and delivered, or for any articles charged in any store account, shall be commenced and sued within two years next after the cause of such action or suit, and not after, except that in the case of the death of the creditors or debtors, or removal of the debtor before the expiration of said term of two years, the further term of one year, from the death of such creditor or debtor, shall be allowed for the commencement of any such action or suit; provided, that in case of the removal of the debtor out of the county where the debt was created, no act of limitations shall run, unless the person removing shall, ten days previous to his removal, put up notice in writing at the seat of justice of the county from whence he may be about to remove, setting forth his intentions to remove.

Sec. 4. Be it further enacted, That to prevent imposition or deception, herein the respective times or dates of the delivery of the several articles charged in any such account, or in any receipt taken for the delivery of them, shall be particularly specified; and if any merchant or trader shall wilfully postdate any article or articles, in such account, or the receipt taken for the

Be it further enacted, That each and every claim which has been due for more than five years, and less than ten years, an action shall be commenced thereon within one year after the passage of this act, and not thereafter.—On each claim for money due for ten, and less than fifteen years,

action shall be commenced within six months from the passage of this act, and not thereafter,—on each and every claim for money due for fifteen years and upwards, action shall be commenced within three months from the passage of this act, and not thereafter; and in each of the cases mentioned in this section, the defendant shall be admitted to plead payment, and to support this plea may rely upon the circumstances, or the presumption arising from the lapse of time.

Sec. 9. Be it further enacted, That no writ of error or super-seedeas shall be granted to any judgment at law, nor shall a bill of review be granted to any decree pronounced in equity after two years from the time such judgment or decree shall have been made final.

Sec. 10. Be it further enacted, That any person absenting himself beyond sea or elsewhere for seven years successively, shall be presumed to be dead in any cause wherein his death may come in question, unless proof be made that he was alive within that time; but an estate recovered on such presumption, if in a subsequent action or suit the person presumed to be dead, shall be proved to be living, shall be restored to him who shall have been evicted, and he may moreover demand and recover the rents and profits of the estate during such time as he shall be deprived thereof (with lawful interest.)

Sec. 11. Be it further enacted, That no law of limitations except in the cases provided for in the eighth section of this act, shall run against infants, married women, persons imprisoned or persons of unsound mind, during the existence of their respective disabilities; and when the law of limitations did not commence to run prior to the existence of these disabilities, such persons shall have the same time allowed them after their removal, that is allowed to others by this and other laws of limitations now in force.

Sec. 12. Be it further enacted, That when an action may appear to be barred by a law of limitations, no acknowledgment of the justice of the claim, made subsequent to the time it became due, shall be admitted in evidence to take the case out of the operation of the law, unless such acknowledgment be in writing and signed by the party to be charged thereby.

Sec. 13. Be it further enacted, That no action shall be brought against any emigrant of the republic, to recover a claim which was barred by the law of limitations of that country or state from which he emigrated; nor shall an action be brought to recover money from an emigrant who was released from its payment by the bankrupt or insolvent laws of the country or state from whence he emigrated.

Be it further enacted, That the person who has or right of entry into any real estate, consisting of lands, hereditaments, shall make entry therein within ten years after this right shall have accrued, and on failure shall be barred thereafter. Yet if the person entitled shall have been under the age of twenty-one years, a feme covert, or if forcible occupation of the premises, or county conveyed by a public enemy, prevent entry, the time of such entry shall not be computed as a part of the period of limitation. If one, dying possessed of such estate without issue, shall not be such descent to the heir of the decedent as to the person entitled at the time of the descent, unless the decedent shall have had five years' peaceable possession. Possession within the scope of this act, is such as is continuous and not interrupted by adverse suit to recover the estate. Be it further enacted, That every suit to be instituted for real estate, as against him, her or them, in possession or color of title, shall be instituted within three years after the cause of action shall have accrued, and not after the expiration of this limitation, is not to be computed the duration of the time to sue from the minority, coverture or insanity of the person having cause of action. By the term title, as used in this section, is meant a regular chain of transfer from the original owner to the present owner, and color of title is constituted by a defective chain of such transfer down to him, her or them, without being regular, as if one or more of the conveyances be not registered, or not duly registered, or contain some defect, or such like defect as may not extend to, or affect the title by reason of want of intrinsic fairness and honesty, or when the person in possession shall hold the same by a certificate of headright, or a land scrip, with a chain of transfer down to him, her or them, in possession; and provided, this section shall not bar the government.

Be it further enacted, That he, she or they, who shall have made a peaceable possession of real estate, cultivated or enjoying the same and paying tax thereon, if any, under a deed, or deeds, duly registered, shall be held to have title, precluding all claims, but shall not bar the government, saving to the person or persons having superior right of action, the duration of disability to sue arising from minority, coverture or insanity.

Be it further enacted, That ten years of such possession and cultivation, use or enjoyment thereof, shall be evidence of title, shall give to such naked possessor

full property precursive of all other claims, in and to six hundred and forty acres of land, including his, her or their improvement, yet the right of the government is not to be barred, and the same shall be saved to the person or persons having the title and cause of action the duration of disability to sue for non-age, coverture or insanity.

Sec. 18. Be it further enacted, That the obligors or any one or more of them, whose name or names appear to any state or county bond, concerning which it is, or shall be by law provided that it is to be, or shall become a judgment, or have the effect thereof, shall have one year next after the actual or ostensible forfeiture of the same, to move the proper court to quash said bond, or otherwise to move for, and have any issue or issues, and a trial to try the same, or any other matter of fact, which on a reversal of action on such bond might properly defeat or modify a recovery thereon against such obligor or obligors.

Sec. 19. Be it further enacted, That hereafter any party, against whom judgment or decree of any district court, except judgments on appeals from justices of the peace, which are to be final, be, or himself, herself or themselves aggrieved, or the legal representative of such party, may have an appeal to the supreme court, within six months next after the adjournment of the court in which the rendition of such judgment or decree was made, which appeal shall be granted in open court at the term of the judgment or decree without petition or citation, or at any time afterwards in the year, by application to the clerk, and citation to the appellant, party, or his, her or their attorney, to be served at least ten days next before the first day of the return of the appeal. The appeal shall be of right; but the final process on the judgment, or decree below, shall not be superceded, unless the appellant give bond or surety or sureties approved by the court or clerk below, to the appellee, to be void upon condition, that if the judgment or decree be not reversed, but be wholly confirmed, the appellant shall satisfy the amount adjudged as well as the condemnation of the property in the supreme court; if such citation be not issued, or if issued, but not so served, and if the appellee do not enter appearance in the appellate court, the appellant not being in fault, the said court shall award an alias citation; if the citation be served within fifteen days next prior to the first day of the succeeding term of the supreme court, the cause shall be returnable to the term next after the first or second term.

Sec. 20. Be it further enacted, That any grant, deed or instrument for the conveyance of real estate, or personal, or for the settlement thereof in marriage, or separate property, or conveyance of the same in mortgage, on trust to uses, or on

all as any and every other deed or instrument required, by law to be registered, and which shall have been registered, shall, from the passage of this act, be held to be duly registered, with the full effects and consequences of the existing laws: provided, the same shall have been acknowledged before the grantor or grantors, maker or makers, before any clerk of the county court, or before any notary public, or before any clerk of the county court in whose office such record is made, or proved before such officer by one or more subscribing witnesses, and certified by such officer; any obstacle or conflict in the existing laws, to the contrary notwithstanding.

Be it further enacted, That every grant, deed or instrument mentioned in the twentieth section of this act, hereinafter made and recorded, shall be duly registered in the proper county, upon the acknowledgment of the party signing the same, before the register, or clerk of the county of that county, or chief justice of the county, or a justice thereof, or any associate, or the chief justice of the court, or proved by a subscribing witness before any clerk of the county court, and certified by him for record, and if it be so acknowledged and certified, there need be no subscribing witnesses; and the clerk shall certify thereon the day when the same shall be registered, give a receipt therefor, if required, and file the same within one month thereafter, under the penalty of the law. The party injured, for neglecting either particular, or the whole, shall be liable to such party for punitive damages; and such grant, deed or instrument, when recorded for registration, shall, according to its nature, have full effect, validity and priority, from and after the date of presentation or delivery for registration, against all purchasers and creditors; and such acknowledgment, certificate and registration, or either, as between the parties and their legal representatives, and all subsequent purchasers and creditors, with actual notice, or reasonable information, shall not be deemed requisite to its full effect, validity and priority, according to its nature; if any such grant, deed or instrument executed shall be acknowledged, or proved by two subscribing witnesses, before any circuit or supreme judge, or chancellor of the United States of North America, certified by him, with the approval of the chief magistrate of the nation, as to the office of him taking acknowledgment, or probate; and if not of the United States, thereto annexed, or if so acknowledged or proved before any judge of a supreme court of

record, or in any such court of any other nation or kingdom, certified by such judge, or the record thereof exemplified, either so counter certified by the chief magistrate or sovereign of such other nation or kingdom, under the great seal; or by the consul of this republic, or minister resident there; the same may be admitted to record, and shall be good and effectual, as aforesaid, from and after registration.

Sec. 22. Be it further enacted, That if any person against whom there is or shall be cause of action, is or shall be without the limits of this republic at the time of the accruing of such action, or at any time during which the same might have been maintained, the person entitled to such action shall be at liberty to bring the same against such person or persons after his or their return to the republic and the time of such persons' absence shall not be counted, or taken as a part of the time limited by this act.

Sec. 23. Be it further enacted, That all certificates for land rights, land scrip, bounty warrant, or any other evidence of title to land recognized by the laws of this government, which have been located or surveyed, shall be deemed and held as sufficient title to authorize the maintenance of actions of ejectment, trespass, or any other legal remedy given by law; all laws to the contrary notwithstanding.

Sec. 24. Be it further enacted, That the second section to an act to amend the common law, &c., approved January the twentieth, one thousand eight hundred and forty, which repealed the laws of limitation or prescription then in force, shall not be so construed as to revive any claim which had been barred by said laws; and no claims against which said laws had commenced to run, shall be barred by the lapse of time which would have barred them if those laws continued in force; provided, the said time be shorter than that by which they would have been barred by the other provisions of this act.

Sec. 25. Be it further enacted, That this act shall not be construed to prejudice the claims of those to real estate that have been quieted at an earlier time by the twelfth section of an act organizing the Inferior Courts," &c., approved December the twenty-sixth, eighteen hundred and thirty-six; and the said section shall be considered to continue in full force whenever it would quiet titles to land at an earlier period than this act.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved February 5th, 1841.

DAVID G. BURNE

AN ACT

to "An Act to Detect Fraudulent Land Certificates, provide for issuing Patents to Legal Claimants."

It enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That any person holding or owning any headright certificate issued by the land commissioners of the republic of Texas, which has not been recommended as genuine and legal, by the state and local commissioners appointed under the act to amend the same, may file his petition, under oath, in the court of the county where such certificates were issued, setting forth the grounds on which he founds his claim; and also that he is entitled to the amount of land claimed by virtue of his claim, or by virtue of the assignment of his claim to this country, or by virtue of the assignment of his claim to an actual emigrant and citizen of the republic, in which petition there need not be any service, but the petition shall be filed in the office of the clerk of the district court, at least ten days before the commencement of the term of the court in which it may be tried; to which the general issue shall be made, as pleaded by the republic: whereupon, a jury shall be summoned, as provided in other cases, and only by oral testimony to try said cause; and should the jury find in favor of the claimant, it shall be the duty of the clerk to make out a certificate to that effect, under the seal of the court, and approved by the judge; which certificate shall be handed over to the claimant.

It further enacted, That it shall be the duty of the clerk of the several district courts, within twenty days after the commencement of each and every term of said court, to transmit to the Commissioner of the General Land Office, a list of all the persons who may have been successful in the suits instituted in the district court, in his said county, specifying the amount of land claimed, and the date when the same were declared, by the court and jury, to be entitled to the same; and the certificate shall be under the seal of said court, to which shall be appended the affidavit of the said district court clerk, of the correctness of said list; and it shall further be the duty of the clerk of the county in the district court of which said suit was tried, in favor of the claimant, to examine the records of said court, and of his county; and if the list is found to be correct, it shall be the duty to certify to the same, under the seal of the court.

Sec. 3. Be it further enacted, That upon the receipt of list from the district clerks, by the Commissioner of the General Land Office, and upon the claimant presenting his certificate before provided for, to said commissioner, it shall be the duty of said commissioner forthwith to issue a patent on said claim, in the same manner as if said claim had been recommended as genuine and legal by the board of commissioners appointed under the law to which this is a supplement.

Sec. 4. Be it further enacted, That it shall be the duty of the district judge, at the trial of the suit herein specified, to appoint an attorney to assist the regular district attorney, whose actual duty it shall be to represent the interest of the republic; should said claimant fail in his suit, he shall be charged in law with costs a tax fee of fifty dollars, in Texas treasury notes, which shall be collected by the sheriff, by levy and sale, without the benefit of credit of twelve months; and which shall be divided equally among the said attorneys, for the republic, and shall be considered as compensation for the services of said attorneys.

Sec. 5. Be it further enacted, That before the trial of the suit, provided for by this act, the district attorney may demand security for costs, and no claim shall be granted by a jury except upon the parol testimony of two good and creditable witnesses given in under oath.

Sec. 6. Be it further enacted, That upon good and sufficient cause shown, the court may grant a new trial either to the claimant or to the republic; provided, that not more than one new trial shall be granted to either party: and further provided, that the claimant and the republic have the same number of peremptory challenges as in suits for land.

Sec. 7. Be it further enacted, That it shall be the duty of the successful claimant, upon his receipt of his certificate from the clerk of the district court, as before provided, to pay to the clerk the sum of ten dollars, in Texas treasury notes, which shall cover all costs in and about said suit.

Sec. 8. Be it further enacted, That any individual hereinafter required to take an affidavit, who shall swear falsely, besides suffering all the pains and penalties of perjury, on conviction thereof before the district court, shall also be dismissed from office, and may be fined in a sum of not more than one thousand dollars, in the discretion of the court.

Sec. 9. Be it further enacted, That it shall be the duty of the claimant under this law, to prove that he obtained a certificate from the board of land commissioners of the county in which such suit is brought, and that the commissioners to investigate the land offices, have not reported the same as genuine.

shall not be considered as any evidence of the claim, and the same shall be proven, de novo, in the same manner as provided by the land law, approved December fourteenth, one thousand eight hundred and thirty-

Be it further enacted, That section sixth, of the act to amend an act to provide for a supplement, be so amended, that when certificates are issued to assignees, and have been or may hereafter be applied for by the commissioners, established under the provisions of this act, it shall be the duty of the Commissioner of the General Land Office, to issue the patent in the name of the assignee, and the same shall appear in the certificate; provided, that upon applying for patents, the person so applying, shall be required to exhibit to the Commissioner of the General Land Office a regular chain of transfer duly authenticated from the claimant.

Be it further enacted, That all individuals who are entitled to certificates of the first class, and who have not obtained the same from any of the boards heretofore in existence, shall be authorized to file their petition; and upon their going through the formalities prescribed by this act, obtaining the assent of a jury in their favor, and the certificate of the clerk, and the Judge, and their presentation of certificates aforesaid before provided, to the Commissioner of the General Land Office, it shall be the duty of the Commissioner, to issue the same to said claimant, in form and manner as heretofore issued by the former boards of commissioners.

Be it further enacted, That any person who conceives himself entitled to land, but has obtained a certificate from a board of commissioners, and he may deliver the same to the district judge of the county where the certificate was issued, who shall destroy the same, and he, or she, may apply for the quantity of land which he, or she, may be entitled, and shall make the same proof, as required by the act, and shall be entitled to the same privileges, as required and granted by this act.

Be it further enacted, That this act take effect from and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

February 4th. 1841.

DAVID G. BURNET.

AN ACT

To Authorize the raising of a Corps of Volunteers to dislodge the Hostile Indians on the upper Brazos River.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the President of this Republic, be authorized and required, to appoint a suitable person to raise and accept the services of three hundred volunteers, for the term of three months' service, unless sooner discharged, for the purpose of marching forthwith up the Brazos river, against the hostile Indians.

Sec. 2. Be it further enacted, That so soon as the above mentioned number of volunteers shall rendezvous at some convenient place, they shall organize and elect their usual number of company officers for every sixty men, who shall present themselves at the place of rendezvous well mounted, armed, and equipped, with a good rifle, or gun, together with the other necessary equipage for the campaign.

Sec. 3. Be it further enacted, That so soon as the competent number of volunteers have organized themselves as aforesaid, the commandants of companies shall report their respective commands to the Secretary of War, who shall furnish the necessary instructions for the direction and management of the aforesaid campaign, and the companies so raised, shall elect a Major to command the expedition, who shall be entitled to the monthly pay of a major, and no more; any law to the contrary notwithstanding.

Sec. 4. Be it further enacted, That the commander of said troops, shall be authorized to draw upon the proper department, for the amount of ammunition necessary for the use of the volunteers in said expedition; and the said command shall further be authorized to make use of any beeves belonging to the government, that they may be able to obtain.

Sec. 5. Be it further enacted, That ten thousand dollars, are hereby appropriated for the special purpose of purchasing beef for said expedition.

Sec. 6. Be it further enacted, That this act shall take effect and be in force from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved December 12th, 1840.

MIRABEAU B. LAMAR.

AN ACT

An Act to provide for the Redemption of the Promissory Notes," &c., approved.

acted by the Senate and House of Representatives of the Texas, in Congress assembled, That from and after of this act, so much of the above act as relates to the funding of the promissory notes or liabilities of the be, and the same is hereby repealed.
e it further enacted, That this act shall take effect from passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

February 4th, 1841.

DAVID G. BURNET.

JOINT RESOLUTION

ropriation for Pay of District Judges, for the year ten hundred and forty, and for other purposes.

be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the the Treasury be authorized, and he is hereby required sufficient amount of the government bonds to pay the ges for their salaries, for the year eighteen hundred and a sufficiency of said bonds are hereby appropriated o effect this act.

be it further resolved, That this act, and the act passed neral appropriation for the support of government for teen hundred and forty-one, shall take effect from and sage of this act.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

February 5th, 1841.

DAVID G. BURNET.

AN ACT

Legalizing and Confirming certain Marriages therein

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, whereas, many persons heretofore, previous to the passage of the act approved June the fifth, eighteen hundred and thirty, regulating marriages, and for other purposes, had, for the purpose of some person legally qualified to celebrate the rites of matrimony, resorted to the practice of marrying by bond; and others have been married by various officers of justice, not authorized to celebrate such marriages; and whereas, public policy and the interest of the families require a further legislative action on the subject: That all such marriages are declared legal and valid, to all intents and purposes; and the issue of such persons are hereby declared legitimate children, and capable of inheritance.

Sec. 2. Be it further enacted, That in cases where persons have been so intermarried, agreeably to the custom of the times, and where the husband or wife has since died, previous to the passage of this act, then and in that case, the issue of such marriages are hereby legitimized.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN

Speaker of the House of Representatives

ANSON JONES,

President pro tem. of the Senate

Approved February 5th, 1841.

DAVID G. BURNETT

AN ACT

To Provide for the Support and Education of Indigent Orphans

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the probate court of the several counties of this State shall have full power and authority to provide for the support and education of indigent orphans, by binding them out as apprentices to such person or persons as the court may select.

until the age of eighteen years, if a male; and six-
le; and the person to whom such indigent orphans
l, shall engage by a covenant, to be entered in the
provide the apprentice with a sufficiency of good
e food, necessary clothing, and washing and lodg-
each the said apprentice, the business or occupation
ues for a livelihood; and also, to read, write, and
as the rule of three; and at the expiration of said
, to furnish the said apprentice with two complete
othing.

it further enacted, That it shall be the duty of the
to take care that the said apprentice is bred up in
dustrious ways; and that the tutor or tutoress, in
forms the stipulations of the indenture; and it shall
he said court, upon the complaint of any apprentice,
or friends, against their tutor or tutoress, to hear
the same; and if it shall appear to the satisfaction of
such complaint is well founded, and of sufficient
make a removal necessary, the court shall have power
a apprentice, and to bind him or her to such other
be thought proper, imposing the same restrictions

it further enacted, That this act shall take effect
e from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

February 3d, 1841.

DAVID G. BURNET.

AN ACT

Land Titles within the twenty Frontier Leagues
ering on the United States of the North.

appears upon an investigation by a committee of
of Congress, that the location of land claims made
17th day of Mach, 1836, on the twenty frontier
ering on the United States of the North, are con-
and there is good reason to believe that the claims,
gin, were for the most part absolutely fraudulent

and void; therefore, that the claims of the people within the above mentioned border leagues, may be quieted and secured.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That upon the application of any citizen of this republic, to the Commissioner of the General Land Office, for a patent to any land lying and comprehended within the above mentioned twenty border leagues, who would have been entitled to a patent if no claim of land been located within the said border leagues prior to the 17th day of March, 1836, the said commissioner general shall issue a patent to such applicant as if no such location had ever been made.

Sec. 2. Be it further enacted, That all persons claiming to hold lands within the above mentioned twenty border leagues by virtue of any location made prior to the seventeenth day of March, eighteen hundred and thirty-six, who may wish to test the validity of their claims, shall commence their action within twelve months from the passage of this act; and all such claims founded upon locations made prior to the 17th day of March, 1836, as aforesaid, on which suit shall not be brought within twelve months from the passage of this act, shall be forever barred.

Sec. 3. Be it further enacted, That in all suits which may be brought by authority of the second section of this act, the plaintiff shall file his petition in the clerk's office of the district court of the county where the claim may be alleged to lie, at least ten days before the sitting of the court to which it is made return, setting forth the grounds of his claim, and citing the district attorney to appear and contest the same on behalf of the republic, who, together with such assistant counsel as the court or the plaintiff may retain, shall represent the republic in all such suits.

Sec. 4. Be it further enacted, That the several courts of the republic, in executing the provisions of this act, shall exercise both equity and common law jurisdiction; and in the trial of any suit authorized by this act, shall be authorized to examine the plaintiff on oath, touching the merits of his petition; and the said courts are hereby directed and required, in the adjudication of all claims or grants purporting to have originated under the laws of Mexico, or the state of Coahuila and Texas, to require of the claimant or grantee, proof of the performance of the conditions of any of his claims or grants; and when any doubt shall arise in respect to the facts of the case, the court may direct the same to be ascertained by a jury, upon an issue to be

purpose; provided, that no part or portion of this law
d as in any manner extending to that portion of terri-
signated under the surveys of the United States, as the
rt of the 16th ranges of townships of Louisiana, hereto-
d and sectionized by authority of the United States.
Be it further enacted, That nothing herein contained
ice or invalidate the settlement or headright claims of
residing within the twenty border leagues heretofore
surveyed, whose claim shall not exceed one league and
l.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

January 9th, 1841.

DAVID G. BURNET.

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AN ACT

Sales by Judgment, or Decree of a Probate Court, or
Court of Chancery.

Be it enacted by the Senate and House of Representa-
Republic of Texas, in Congress assembled, That all
er by order, judgment, or decree of any probate court,
chancery, shall be regulated and governed by the laws
les under execution; and all laws which relate to sales
tion, shall be applicable to such sales as above stated,
s act shall take effect and be in force from and after its

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

February 4th, 1841.

DAVID G. BURNET.

AN ACT

To make certain offences therein named, Grand Larceny, and to prescribe their punishment.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That any person hath given, or shall give a mortgage or deed of trust on any personal or movable property, and shall remove the same from this republic, or shall sell or otherwise dispose of the same, within the limits of the republic, with intent to defraud the mortgagee or person for whose benefit the deed of trust was given, such person so offending, shall be deemed guilty of grand larceny, and shall be punished accordingly.

DAVID S. KAUFMAN

Speaker of the House of Representatives

ANSON JONES,

President pro tem. of the Senate

Approved February 4th, 1841.

DAVID G. BURNETT

AN ACT

Supplementary to an act entitled "An Act to provide for the turn of Surveys, for the Collection of Government Domain Lands, and for other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the chief justices of the respective counties of this republic shall and are hereby authorized and required to take and approve the bonds required by law of the county surveyors elected under the provisions of the law to which this is a supplement, and to do all other things necessary to the due installation of the same in their respective offices.

Sec. 2. Be it further enacted, That any county surveyor who shall refuse to deliver up to his properly qualified successor in office, the books and papers, and all other materials appertaining to the same, upon application made in writing, or shall oppress or withhold any part or portion of the same, shall be deemed guilty of a high misdemeanor, and upon conviction thereof

erict court, by bill of indictment or information filed,
ect to a fine of one thousand dollars.
e it further enacted, That this act shall take effect
er its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

February 3d, 1841.

DAVID G. BURNET.

JOINT RESOLUTION

Compensation of the Heads of Departments and Bu-
the Clerks in the several Departments and Bureaus.
ment.

e it resolved by the Senate and House of Representa-
Republic of Texas, in Congress assembled, That the
of the chief clerks of departments and bureaus, and
eaus, shall be at the rate of five hundred dollars per
ar funds, or its equivalent, which shall be decided by
y of the Treasury; and the compensation of assistant
e at the rate of four hundred and fifty dollars in par
equivalent, per annum; provided, the compensation in
otes, as now allowed by law, shall not be diminished;
s of departments shall be allowed five hundred dollars
a promissory notes, in addition to that allowed by law.
e it further resolved, That so much of the eight per
f the government as will be necessary to carry out the
this joint resolution, is hereby specially appropriated.
e it further resolved, That this joint resolution shall
ned as to take effect from and after the first day of
1.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

February 5th, 1841.

DAVID G. BURNET.

AN ACT

Supplementary to "An Act to re-organize the several Judicial Districts, and to create the sixth and seventh Districts," approved January twenty-ninth, eighteen hundred and forty.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, the district courts of the county of Robertson, shall be holden on the first Mondays after the fourth Mondays in March and October in each year, and may continue one week: all process heretofore made returnable to the regular terms of said court, shall be returnable to the term herein prescribed.

Sec. 2. Be it further enacted, That this act shall be in force from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved February 4th, 1841.

DAVID G. BURNET.

AN ACT

To Encourage Frontier Protection.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the settlers on the frontier borders of each one of the counties of Fannin, Lamar, Red River, Bowie, Paschal, Panola, Harrison, Nacogdoches, Houston, Robertson, Milam, Travis, Bexar, Gonzales, Goliad, Victoria, Refugio, San Patricio, Montgomery, and Bastrop, may organize themselves into volunteer companies, of not less than twenty nor more than fifty-six men, rank and file; provided, only one company shall be raised in each county.

Sec. 2. Be it further enacted, That each company when raised, may assemble at the most convenient place in the county, for the purpose of electing their officers: which election shall be conducted by some acting justice of the peace, whose certificate of the same, together with a correct muster roll of the company, shall be forwarded by the captain elect, to the chief justice of the

, upon the reception of such returns from the captain, to examine and approve and forward the same to the Secretary of War. Be it further enacted, That said companies shall hold themselves in readiness as minute men, for the purpose of affording active protection to the frontier settlements: the members of said companies shall at all times be prepared with a good horse, a bridle, and saddle, with other necessary accoutrements, together with a good gun, and one hundred rounds of ammunition in addition to this, when called into service, such regulations as the captain may direct.

Be it further enacted, That the captains shall have full and ample authority to enforce the laws of the companies, and ample authority to enforce the same in accordance with the rules and articles of war; said companies shall not be called into active service, unless the settlement be threatened with extraordinary danger; and in all cases when a company is called out, the captain shall keep a muster roll of the members present in the expedition, noting the length of their service, and on his return, shall make return thereof to the chief justice of the county, to be approved and forwarded to the Secretary of War.

Be it further enacted, That the members of said companies, from the date of their enrolment to the date of their discharge, shall be exempt from performing any kind of militia duty, from travelling on roads or public highways, from paying a state, county or corporation poll tax, and the tax assessed by law upon the members of said companies.

Be it further enacted, That the captains of said companies, when they deem it prudent, detail from their companies a number of spies, not more than five, to act upon the frontier in several counties.

Be it further enacted, That when service shall be required of the whole, or a part of any of one said companies, the captain shall make out a muster roll of the same, and certify the same to be correct, and in strict accordance with this act, and forward the same to the chief justice of the county, which, by him, shall be forwarded to the Secretary of War, upon the muster roll, if certified and approved as above, each individual member of such service, shall receive one dollar per day for such service, or its equivalent; provided, that the members of said companies, shall not receive pay on any one expedition for a longer period than fifteen days; and on the several expeditions during the year after their organization, shall not receive pay for a longer period than four months in the aggregate, excepting the first year of their organization; and so long as this act remains in force.

in force, the said companies shall be paid according to the rates as herein provided for the first year.

Sec. 8. Be it further enacted, That the chief justice of said counties, shall not approve any muster roll returned under the provisions of this act, unless he believes the same and that the safety of the country strictly required the which is therein purported to have been rendered.

Sec. 9. Be it further enacted, That this act be in force take effect from and after its passage.

DAVID S. KAUFMAN
Speaker of the House of Representatives
ANSON JONES,
President pro tem. of the Senate

Approved February 4th, 1841.

DAVID G. BURDETTE

AN ACT

For the relief of Certain Free Persons of Color.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That William Ainsworth, Abner Ainsworth, David Ainsworth, Aaron Ainsworth, Elisha Thomas, and all free persons of color, together with their families who were residing in Texas on the day of the Declaration of Independence, are, and shall be exempt from the operation of the provisions of an act of Congress, entitled "An Act concerning the free persons of color, approved fifth of February, A. D. one thousand eight hundred and forty;" and that the above named persons and their families, are hereby granted permission to remain in the republic, anything in the laws of the country to the contrary notwithstanding.

DAVID S. KAUFMAN
Speaker of the House of Representatives
DAVID G. BURDETTE
President of the Senate

Approved 12th December, 1840.

MIRABEAU B. LAMAR

AN ACT

Regulating the Sale of Runaway Slaves.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That where any slave is now in the jail of any county of this Republic, or who may hereafter be committed to the jail thereof as a runaway, a warrant of apprehension and commitment, with a full description of said slave, shall be published weekly in one of the Gazettes of the Government, for the space of one month, and printed copies thereof shall be furnished to the clerk of the County Court in each county in which the commitment is made, to be carefully preserved in his office, and it shall be the duty of the sheriff or having custody of such slave, to ascertain as nearly as possible the name of the owner thereof, and to address him or her by post, at least twice, giving a full description of said slave, in such manner as may best lead to the discovery of the owner.

Be it further enacted, That if said runaway slave is claimed and proved by the owner thereof, within six months after the first publication of the commitment of said slave, the Sheriff of the County in which the commitment was made shall expose said slave to sale at public outcry at the courthouse of his proper county, upon giving at least thirty days' notice of such sale, by advertisement posted up at, at least five public places in said county, and published in some newspaper of the county in which the sale is to take place; or in the county having a gazette, and out of the proceeds of the sale of any runaway slave as aforesaid, the sheriff shall be entitled to the same commission and fees as are allowed to sheriffs on execution, and the balance after paying all prison fees for the maintenance of said runaway while in custody, and expenses of advertising and apprehending, shall be paid to the county treasury for the use of the proper county; and if the owner of any runaway slave thus sold, should not claim the property in said slave within three years after said sale, the proper county shall pay to him the amount that shall have been paid to the county treasury, on account of the sale of said slave, and the right to any slave sold as aforesaid, shall be and remain in the purchaser under the sale made by the sheriff as provided by law to the contrary notwithstanding.

Be it further enacted, That the sheriff making the sale of a runaway slave as aforesaid, shall return a full and correct account and statement of such sale under his hand and seal,

to the clerk of the county court, who shall record the same and the record of deeds.

Sec. 4. Be it further enacted, That all runaway slaves lawfully apprehended by any person, and carried before the justice of the peace, who shall either commit them to the jail, or the custody of the sheriff, or send them to the owner known, who shall pay for every slave so taken up, the sum of dollars to the person apprehending him or her, and all reasonable costs and damages: and if said owner shall fail or refuse to pay said reward and reasonable expenses, the person apprehending and delivering said runaway slaves as aforesaid, shall be entitled to bring his action for the recovery of the same before any justice of the peace of the district or precinct in which said owner resides in which said slave is delivered up to the owner as aforesaid.

Sec. 5. Be it further enacted, That if any person or persons being convicted, harboring or concealing any negro or negroes belonging to any person or persons whatsoever, or suffering the same so to be, with his consent or knowledge, shall upon conviction of such offence, be fined in a sum not exceeding five hundred dollars, and shall be imprisoned not less than one calendar month nor exceeding six calendar months, and shall be liable in damages to the party injured, to be recovered by action on the case, in any court having competent jurisdiction.

Sec. 6. Be it further enacted, That this act be in force and take effect from and after its passage.

DAVID S. KAUFMAN

Speaker of the House of Representatives

ANSON JONES,

President pro tem. of the Senate

Approved February 5th, 1841.

DAVID G. BURNETT

AN ACT

Defining the time of holding the District Court in the County of Ward.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the District Court shall be held in the County of Ward on the sixth Mondays after the fourth Mondays of March and October in each year, and may continue until the business

and the said county of Ward, shall be added to, and composed of the second Judicial District, and this act shall be in full force and after its passage.

DAVID S. KAUFMAN,
Speaker of the House of Representatives.

ANSON JONES,
President pro tem. of the Senate.

February 4th, 1841.

DAVID G. BURNET.

AN ACT

An act, entitled "An Act regulating attachments," approved February twenty-eighth, one thousand eight hundred and thirty-one.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That so much of the third section of the above recited act as requires the sheriff, without process of attachment, to make oath that the persons, is or are about to remove beyond the jurisdiction of the court, so that the ordinary process of the law cannot be returned against him, her, or them, or that he, she, or they, is or are about to remove his or her property beyond the jurisdiction of the court, and that thereby the debt will probably be lost, be so amended as to require instead thereof that the party, if such debtor is about to remove himself or his effects beyond the limits of the Republic, and that said recited act, shall be construed as to prevent any citizen from removing his person from any one county into another county in this Republic. Be it further enacted, That before judgment shall be rendered, no writ shall be entered by any district court in cases where the attachment fails or refuses to appear and plead as required by law. The clerk into whose office any attachment shall be returned, the plaintiff or his attorney, shall cause public notice to be inserted in some newspaper nearest the court, under the jurisdiction of the cause for four weeks successively of the cause, stating fully the amount claimed, proper names of parties, and the court wherein the suit is pending.

Be it further enacted, That from and after the passage of this act, the plaintiff in any writ or process which may be

issued by any of the courts of this Republic, shall be entitled to demand sufficient bail of the defendant to appear and answer the plaintiff's demand not to depart the court without leave, upon said plaintiff's taking and subscribing an oath before some officer, competent to administer the same, setting forth his belief that the defendant is about to remove himself beyond the jurisdiction of the court, which affidavit shall be filed among the papers of the suit, and constitute a part of the proceedings.

Sec. 4. Be it further enacted, That by the term, "beyond the jurisdiction of the court," is meant the limits of the Republic.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved February 4th, 1841.

DAVID G. BURNET.

AN ACT

To Consolidate the several appropriations for the Quartermaster's Department for the year one thousand eight hundred and forty, and for other purposes therein named.

Whereas, by a depreciation of the promissory notes of the government occurring between the time of making the estimates for the use of the army, and the period of the disbandment of the same—the estimates for that reason fell short in several particular instances; and the necessity of the case required that amounts appropriated should be used for other purposes, than those specified in the appropriations, or that by failing so to do, the usefulness of the army would be crippled, and even its further existence endangered: Therefore, for the purposes of meeting the exigencies of the case, and for the relief of the several disbursing officers herein named—

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the several appropriations made by Congress, for the Quartermaster's Department for the expenses of the year eighteen hundred and forty, be, and the same are hereby consolidated into one appropriation; and that the auditor, and comptroller, be authorized and required to pass to the credit of Wm. G. Cooke, Quartermaster General, the amount paid by him, out of said appropriations, for the medical department, ordnance department,

volunteer companies, so far as the same may be correct, that they be authorized and required to pass to the credit of Wm. G. Cooke, Commissary General of subsistence, the amount paid by him for militia and volunteer companies, and for the Quartermaster's Department, so far as the same may be correct. Be it further enacted, That the auditor and comptroller have no jurisdiction on the rejected vouchers of Wm. G. Quartermaster General, for the year eighteen hundred and eighty-one, and they are hereby authorized and required to pass to the credit of said Wm. G. Cooke, Quartermaster General, such vouchers as they may believe to have been faithfully disallowed, on account of the Republic of Texas.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

February 3d, 1841.

DAVID G. BURNET.

The first of these is the fact that the United States is a young country, and its history is therefore a history of growth and development.

The second is the fact that the United States is a country of many races and many languages, and its history is therefore a history of the struggle for unity.

The third is the fact that the United States is a country of many religions, and its history is therefore a history of the struggle for religious freedom.

The fourth is the fact that the United States is a country of many political systems, and its history is therefore a history of the struggle for democracy.

The fifth is the fact that the United States is a country of many economic systems, and its history is therefore a history of the struggle for economic freedom.

The sixth is the fact that the United States is a country of many social systems, and its history is therefore a history of the struggle for social justice.

The seventh is the fact that the United States is a country of many cultural systems, and its history is therefore a history of the struggle for cultural unity.

The eighth is the fact that the United States is a country of many geographical systems, and its history is therefore a history of the struggle for geographical unity.

The ninth is the fact that the United States is a country of many historical systems, and its history is therefore a history of the struggle for historical unity.

The tenth is the fact that the United States is a country of many philosophical systems, and its history is therefore a history of the struggle for philosophical unity.

The eleventh is the fact that the United States is a country of many scientific systems, and its history is therefore a history of the struggle for scientific unity.

The twelfth is the fact that the United States is a country of many artistic systems, and its history is therefore a history of the struggle for artistic unity.

The thirteenth is the fact that the United States is a country of many literary systems, and its history is therefore a history of the struggle for literary unity.

The fourteenth is the fact that the United States is a country of many musical systems, and its history is therefore a history of the struggle for musical unity.

The fifteenth is the fact that the United States is a country of many dramatic systems, and its history is therefore a history of the struggle for dramatic unity.

The sixteenth is the fact that the United States is a country of many theatrical systems, and its history is therefore a history of the struggle for theatrical unity.

The seventeenth is the fact that the United States is a country of many cinematic systems, and its history is therefore a history of the struggle for cinematic unity.

The eighteenth is the fact that the United States is a country of many television systems, and its history is therefore a history of the struggle for television unity.

The nineteenth is the fact that the United States is a country of many radio systems, and its history is therefore a history of the struggle for radio unity.

The twentieth is the fact that the United States is a country of many newspaper systems, and its history is therefore a history of the struggle for newspaper unity.

The twenty-first is the fact that the United States is a country of many magazine systems, and its history is therefore a history of the struggle for magazine unity.

The twenty-second is the fact that the United States is a country of many book systems, and its history is therefore a history of the struggle for book unity.

The twenty-third is the fact that the United States is a country of many record systems, and its history is therefore a history of the struggle for record unity.

The twenty-fourth is the fact that the United States is a country of many film systems, and its history is therefore a history of the struggle for film unity.

The twenty-fifth is the fact that the United States is a country of many video systems, and its history is therefore a history of the struggle for video unity.

The twenty-sixth is the fact that the United States is a country of many computer systems, and its history is therefore a history of the struggle for computer unity.

[APPENDIX.]

A PROCLAMATION

PRESIDENT OF THE REPUBLIC OF TEXAS.

Treaty of Amity, Navigation and Commerce, between the Republic of Texas, and his Majesty the King of the French, with three separate articles annexed to the same, was made and signed by the respective Plenipotentiaries of the Governments, at Paris, on the twenty-fifth day of September, one thousand eight hundred and thirty-nine, which treaty contains several articles are word for word as follows:

President of the Republic of Texas, and his Majesty the King of the French, desiring to regulate, in a permanent manner, the political and commercial relations between Texas and France, have decided to conclude a Treaty of Amity, Navigation and Commerce, founded on the common interests of the two countries, and to establish the formal recognition, on the part of France, of the independence of the Republic of Texas; and, to this effect, have authorized their Plenipotentiaries, That is to say:—

President of Texas—General James Pinckney Henderson, of the said Republic; and his Majesty the King of the French—Comte de Dalmatie, Duke of Dalmatia, Marshal and Peer of France, Grand Cross of His Royal Order of the Legion of Honor, Minister of Foreign Affairs, President of his Council of Ministers.

The aforesaid Plenipotentiaries, after having compared and verified their several powers, found to be in due form, have concluded the following articles.

ARTICLE 1.

There shall be perpetual peace and amity between his Majesty the King of the French, his heirs and successors, on the one part, and the Republic of Texas, on the other part; and between the two states, without exception of persons or of places.

ARTICLE 2.

The French and Texians shall enjoy, in their persons and property, in the entire extent of their respective territories, the same rights, privileges, and exemptions, which are or may be granted to the most favored nation. They shall have the right of disposing freely of their property by sale, exchange, by deed of gift, will, in any other manner, without any impediment or difficulty. In like manner, the citizens of each, inheriting property in either of the states, may become heirs, without any hindrance, to such property which may devolve to them as intestate, and without being held to pay any other or higher tax on the succession than that which shall be paid in similar cases by the citizens of the country themselves. They shall be exempted from all military service, from all war contributions,—forced loans,—military requisitions, and in every other case, their personal or real estate shall not be subject to any other charge or impost than that which shall be imposed by the citizens of the country themselves.

ARTICLE 3.

If it should happen that one of the two contracting parties is at war with any other power whatever, the other power shall not prohibit their citizens from taking or holding commissions or letters of marque to cruise against the other, or to molest the commerce or property of her citizens.

ARTICLE 4.

The two contracting parties adopt in their mutual relations, the principle "that the flag covers the goods."

If one of the two parties remains neuter when the other makes war with a third power, the goods covered by the neutral flag shall also be considered to be neutral, even if they should be seized to the enemies of the other contracting party.

It is equally understood, that the neutrality of flag protects the freedom of persons, and that the individuals belonging to a hostile power, who may be found on board a neutral vessel, shall not be made prisoners, unless they are actually engaged in the service of the enemy.

In consequence of the principle that the merchandise is to be considered as belonging to the nation under the flag of which it sails, neutral property found on board an enemy's vessel, shall be considered as an enemy's, unless it shall have been shipped on board the vessel before the declaration of war, or before knowledge of such declaration in the port from whence the vessel may have departed.

The two contracting parties will not apply this principle, and it may concern other powers, except in the case of those by whom it may be recognized.

ARTICLE 5.

One of the contracting parties should be at war with another, and her ships at sea should be compelled to exert all their power of search, it is agreed that if they meet a vessel belonging to the other, then neutral, party, they shall send their commanding officer and said vessel with two persons charged to enter on an examination of the nationality and cargo of said vessel. The commanding officer shall be responsible for all vexations, acts of violence, and may either commit or tolerate on such occasion. They shall not be permitted but on board vessels which navigate under a neutral flag. It will be sufficient when they are convoyed, that the commanding officer of the convoy declares verbally, and on his word that the vessels placed under his protection, and under whose flag they belong to the state under whose flag he sails, and that they shall not be destined to an enemy's port, and that there shall be no goods on board, contraband of war.

ARTICLE 6.

One of the two countries should be at war with a third country, the citizens of the other country, shall have a right to commerce and their navigation with the same power, and the reception of the towns or ports, before which there shall be an actual and effective blockade. It is fully understood that this liberty of commerce and navigation, shall not exclude the sale of contraband of war, such as cannon and firearms, pikes, projectiles, powder, saltpetre, objects of military use, and all instruments whatever manufactured for the service of war. In no case a trading vessel belonging to citizens of one of the two countries, which shall have sailed for a port of the other state, shall be seized, captured, or condemned, unless the commanding officer has previously been notified of the existence of the blockade, by some vessel making a part of the squadron forming the blockade; and in order that no vessel be liable to capture, the commanding officer of the ships of war who shall first meet the trading vessel, shall send her on her papers his visa, indicating the date, the latitude, or longitude, where he has visited the vessel and the notification in question, which shall contain, besides, the indications required for the visa.

ARTICLE 7.

Ships of one of the two countries, forced into one of the ports of the other by distress, shall be exempt from all duties on the ship or cargo, if they enter into no commercial

operations; provided, that the necessity of entering such a port is legally established, and that they do not remain in the port longer than the necessity of the case requires.

ARTICLE 8.

The two contracting parties shall have the right to appoint consuls, vice-consuls, and consular agents in all the cities or ports open to the foreign commerce: these agents shall not enter on their functions until they shall have obtained the authorization of the government of the country.

ARTICLE 9.

The respective consuls, vice consuls, consular agents, and the chancellors, shall enjoy in the two countries, the privileges which generally belong to their functions, such as exemption from having soldiers quartered upon them, from all direct contributions as personal as movable or sumptuary, unless however, they are citizens of the country, or that they become proprietors or holders of real estate, or are engaged in commercial business, in either of which cases they shall be subject to the same taxes and charges as other individuals. These agents shall enjoy besides, all the other privileges, exemptions and immunities, which shall be granted to their places of residence, to the agents of the same rank of the most favored nation.

ARTICLE 10.

The archives, and in general all the papers of the offices of the respective consulates, shall be inviolable; and under no pretext nor in any case, shall they either be seized or searched by the local authorities.

ARTICLE 11.

The respective Consuls, Vice-Consuls, and Consular agents, shall have the right, on the death of their fellow-citizens, who shall have died without having made a will or nominated testamentary executors, to execute, either by virtue of their office, or at the request of the parties interested, (taking care to give previous notice to the competent local authorities,) all the formalities necessary for the security of the heirs; to take possession, in their name, of the succession; and to liquidate and administer the same, either personally or by substitutes named under their responsibility.

ARTICLE 12.

The respective Consuls, Vice-Consuls, and Consular agents, shall be charged exclusively with the internal police of the commercial vessels of their nation; and the local authorities shall not interfere except in cases of riot or disturbance of a nature calculated to affect the public peace, either on shore or on board other vessels.

ARTICLE 13.

pective Consuls, Vice-Consuls, and Consular agents, shall have the right to arrest all sailors who shall have deserted from vessels, or merchant vessels belonging to their respective countries, and may send them on board, or to their own country. To effect this, they will address themselves in writing to the competent authorities, and will justify by the exhibition of the original papers, or roll of the crew; or if the said ship should have a copy of said documents, duly certified by them, that the deserters they claim were a part of the same crew. On this being justified, the delivery shall not be refused them; beyond aid and assistance shall be given to them in seeking out and arresting the said deserters who shall even be detained kept in the prisons of the country, on the requisition, at the expense of the Consuls, until these agents shall have had opportunity to send them away. If, however, this opportunity should not present itself in the space of four months, from the day of their arrest, the deserters shall be set at liberty and cannot again be arrested for the same cause.

ARTICLE 14.

French vessels arriving in or sailing out of the ports of Texas, and French vessels on their entry in or leaving the ports of France, shall be subject to other or higher duties of tonnage, of light dues, port charges, pilotage, quarantine, or any other affecting the vessel than those which are paid, or shall be paid by the vessels of the country itself.

ARTICLE 15.

Products of the soil, and of the industry of either of the countries, imported directly into the ports of the other, the duties on which shall be duly ascertained, shall pay the same duties when imported in French or Texian vessels. In like manner, products exported will pay the same duties, and will enjoy the same privileges, allocations and drawbacks, which are or shall be on the exportation of the same articles in the vessels of either country from which they are exported.

ARTICLE 16.

Products of Texas, without distinction of quality, will pay on entry into the ports of France, when they shall be imported in French or Texian vessels, a uniform duty of twenty francs or one hundred kilogrammes. The reduction of duties which may hereafter be made in favor of the products of the United States, shall be equally applied to the products of Texas, gratuitously, should the concession be gratuitous, and the same compensation, if the concession is conditional.

ARTICLE 17.

From the day of the exchange of the ratifications of the present treaty, the duties at present levied in Texas on all fabricks and other articles of silk, or of which silk shall be a chief component part, imported directly into Texas, the manufacture of France, in French or Texian vessels, shall be reduced one half. It is clearly understood, that if the Texian government reduce the duties upon similar products of other nations, to a rate inferior to one half of the duties now existing, France cannot be obliged, in any case, to pay higher duties than those paid by the most favored nation. The duties at present levied in Texas on the Wines and Brandies of France, also imported directly in French or Texian vessels, shall be reduced, the first two-fifths, and the second one fifth.

It is understood, that in case the Republic of Texas should hereafter think proper to diminish the present duties on Wines and Brandies, the production of other countries, a corresponding reduction shall be made on the Wines and Brandies of France, gratuitously, if the concession is gratuitous, or with the same compensation, if the concession is conditional.

ARTICLE 18.

The inhabitants of the French colonies, their property and ships, shall enjoy in Texas, and reciprocally the citizens of Texas, their property and ships shall enjoy in the French colonies, all the advantages which are or shall be granted to the most favored nation.

ARTICLE 19.

The stipulations of the present treaty shall be perpetual, with the exception of the articles, the fourteenth, fifteenth, sixteenth, seventeenth, and eighteenth, the duration of which is fixed to eight years, counting from the day of the exchange of the ratifications.

ARTICLE 20.

The present treaty shall be ratified by the contracting parties, and the ratifications shall be exchanged at Paris or Austin, within the period of eight months, or sooner if possible.

In witness whereof, the respective Plenipotentiaries, have signed the present treaty, and have affixed thereto their seals.

Done at Paris, the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and thirty-nine.

[SEAL.] Signed,
[SEAL.] Signed,

J. PINCKNEY HENDERSON,
MAL. DUC DE DALMATIE.

ADDITIONAL ARTICLES.

ARTICLE 1.

laws of France require, as conditions of the nationality of that it should have been built in France,—that the own-tain, and three-fourths of the crew, shall be citizens of d Texas, by reason of the particular circumstances in is placed, being unable to comply with the same condi- two contracting parties have agreed to consider as Texian use which shall be bona fide the exclusive and real prop- tizen or citizens of Texas, residents of the country for at years, and of which the captain and two-thirds of the also be bona fide citizens of Texas.

ARTICLE 2.

derstood, that if the Republic of Texas thinks proper, to diminish the duties now in force on silk goods, they ain between the silk goods the produce of countries be- ape of Good Hope, and similar goods of other countries, e of ten per cent. in favor of the latter.

ARTICLE 3.

sent additional articles shall have the same force for e, as if they had been word for word inserted in the this day. all be equally ratified by the contracting parties, and ations exchanged at the same time as those of the

Done at Paris, the twenty-fifth day of Sep-
tember, in the year of our Lord, one
thousand eight hundred and thirty-nine.

Signed, J. PINCKNEY HENDERSON.
Signed, MAL. DUC DE DALMATIE.

ereas, the said Treaty and Additional Articles have been both parts, and the respective ratifications of the same anged at Austin, on the fourteenth day of February, and eight hundred and forty, by Abner S. Lipscomb, of State of the Republic of Texas, and Monsieur Dubios , Chargé d' Affaires of his Majesty the King of the ight of his Royal Order of the Legion of Honor, &c., n the part of the respective governments. erefore, be it known, that I, Mirabeau B. Lamr, Pres- e Republic of Texas, have caused the said Treaty to be ic, to the end that the same, and every clause and article ay be observed and fulfilled with good faith by the Re- Texas, and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the Republic of Texas, to be affixed.

Done at the City of Austin, this fifteenth of February, in the year of our Lord, one thousand eight hundred and forty, and of the Independence of the Republic the fourth.

MIRABEAU B. LAMAR

By the President,
ARNER S. LIPSCOMB, Secretary of State.

By the President of the Republic of Texas.

A PROCLAMATION.

Whereas, by the eleventh section of an act entitled "An Act explaining the several acts to raise a Revenue by Impost Duties," approved the 5th February instant, the President is authorized to issue such instructions as may be necessary to carry into effect such present and future agreements with the governments of France, by the regulation of the duties on goods, wares and merchandises, imported from that country:

Therefore, be it known, that I, Mirabeau B. Lamar, President of the Republic of Texas, for the purpose of carrying the above into effect, by virtue of the power vested in me by law, do hereby declare and proclaim, that the duties on all wines, liquors, and other products of France, imported direct from any of the Ports of France, in French or Texian vessels, are for the present abolished. And further, I hereby require all Collectors of customs to permit all wines as aforesaid, to be admitted free of duty into any of the Ports of this Republic, until this Proclamation shall be revoked by the President.

In witness whereof, I have hereunto set my hand, and caused the seal of the Republic of Texas to be affixed.

Done at the City of Austin, this 11th day of February, in the year of our Lord one thousand eight hundred and forty, and of the Independence of the Republic, the fourth.

MIRABEAU B. LAMAR

By the President,
ARNER S. LIPSCOMB, Secretary of State.

[L. s.]

ERRATA.

d line from top, for "thereof" read "therefor."
h line 2nd section for "where the husband" read
"where her husband."
h line 3rd section, for "being" read "living."
th line from bottom, for "bound" read "loaned."
th line from bottom for "ratio" read "valid."
h line from bottom, after "thence" read "in a."
st line section 1st, for "cases" read "causes."
d line from top, for "county" read "country."
h line from top, after "persons" read "owning."
h line section 8th, for "entered" read "returned."
th line same section, for "damage" read "demand."
d line 4th section, for "McRed" read "McRea."
th line from top, for "January" read "February."
t line top, after "application" read "by petiton."
th line from bottom, for "25th" read "5th."
h line from top, for "forming," read "framing."
h line 3d section, for "Morthans," read "Wortham."
th line from bottom, read "the General Post Office."
cond line from top, for "when" read "where."
th line from top, for "where," read "when."
h line 18th section, for "any," read "an."
ottom line, for "supreme," read "superior."
ction 5th, 2nd line, after "convicted" read "of."

REPUBLIC OF TEXAS.

I, the undersigned, Secretary of State of the Republic of Texas, do certify, that the regular Session of the Fifth Congress of the Republic, adjourned on the fifth day of February, eighteen hundred and forty-one.

Given under my hand and seal of office, at the
City of Austin, the eighteenth day of February, A. D. one thousand eight hundred and forty-one.

J. S. MAYFIELD

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- An act for the relief of certain free persons of color.
- An act regulating the sale of runaway slaves.
- An act defining the time of holding the District Court in the County of Ward
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- An act to consolidate the several appropriations for the Quartermaster's Department for the year one thousand eight hundred and forty, and for other purposes therein named. .

L A W S

PASSED BY

THE SIXTH CONGRESS

OF THE

REPUBLIC OF TEXAS

PUBLISHED BY AUTHORITY.

AUSTIN:
1842

— 97 —

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

L A W S

OF THE

REPUBLIC OF TEXAS.

JOINT RESOLUTION

For the Election of Public Printer.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That, on the fifteenth day of November inst., the two Houses of Congress will proceed to the election of a Public Printer, who shall, under the direction of the Secretary of State, print the laws and journals of the present Congress.

Sec. 2. Be it further resolved, That any owner or conductor of a public press, who may desire to obtain the contract for the same, shall submit his proposition, in writing, stating where the said laws and journals shall be printed, at least two days before the time appointed for said election, mentioned in the first resolution, and stating the cost of printing one hundred copies of one hundred pages each, and of a larger or smaller number of copies and pages; and that they be required to state, in their proposals, at the time at which the printing of the laws and journals shall be completed, and ready for delivery to the Secretary of State.

Approved 15th Nov., 1841.

AN ACT

To change certain Mail Routes therein named.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the present Mail Route from San Augustine to Port Caddo

be so changed, that, hereafter, the said mail shall be carried from San Augustine by Shelbyville, Pulaski, and Elysian Fields, terminate at the town of Marshall, in the county of Panola.

Sec. 2. Be it further enacted, That hereafter, a mail shall be carried, weekly, from Elysian Fields post-office to Greenwood, Louisiana; and the Secretary of State is hereby authorized to contract for the carrying of the same, in accordance with the present laws, governing mail contracts.

Sec. 3. Be it further enacted, That the Mail Route from Nacogdoches to Epperson's Ferry shall, hereafter, run from Nacogdoches to Marshall, thence to Smithland, thence to Daingerfield, and from thence direct to the county seat of Bowie county.

Sec. 4. Be it further enacted, That the Mail Route from Epperson's Ferry to Jonesborough shall, hereafter, commence at the county seat of Bowie county; run from thence to Dekalb, thence to Clarksville, and thence to Jonesborough.

Sec. 5. Be it further enacted, That the Mail Route from Memphis Springs to Fulton, in Arkansas, shall, hereafter, commence at the county seat of Bowie county, and run thence to Col. Chas. Moore's and David Lanes', thence to Fulton, in Arkansas.

Sec. 6. Be it further enacted, That this act shall take effect from and after its passage.

Approved 17th November, 1841.

JOINT RESOLUTION,

For the relief of George W. Smyth.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury be directed, and he is hereby authorized and required to issue to George W. Smyth, a draft on the Treasury for one thousand eight hundred and eighteen dollars and ninety two cents, in par funds, to be paid out of the first par funds which may be received in the Treasury, not otherwise appropriated; which draft shall be assignable by endorsement.

Sec. 2. Be it further resolved, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the said George W. Smyth, scrip for two sections of land, of six hundred and forty acres each, as a donation.

in consideration of the faithful manner in which he has performed his duty as commissioner in running the boundary line.

Sec. 3. Be it further resolved, That this Joint Resolution take effect from and after its passage.

Approved Nov. 23, 1841.

AN ACT

To amend "An act to incorporate the City of Houston, and other Cities therein named."

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Mayor and Board of Aldermen of the City of Houston shall have power to levy a tax on all property, both real and personal, in said city, provided that the tax levied on any property shall not, in any one year, exceed one-half of one per cent. ad valorem, on such property; and provided, also, that no tax shall be levied on any property in said city, unless by unanimous vote of the Board of Aldermen thereof.

Sec. 2. Be it further enacted, That all taxes assessed in said city, shall be levied and collected according to the provisions of the act to which this is an amendment, approved Jan. 28th, 1839.

Approved 24th November, 1841.

JOINT RESOLUTION,

Granting further time for the payment of Government Dues, and the return of Field Notes.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the further time of twelve months is given for the payment of government dues, and the return of field-notes to the General Land-Office, on all lands surveyed in pursuance of law; provided, however, that in no case shall a patent to any lands issue, until all the government dues thereon shall have been paid.

Sec. 2. Be it further resolved, That this Joint Resolution take effect from and after its passage.

Approved 27th November, 1841.

AN ACT.

To Legitimate Children born out of Wedlock, in certain cases.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That when any unmarried persons who have heretofore lived together as husband and wife, and who have had a child or children born out of wedlock, shall have intermarried with each other or shall hereafter intermarry within twelve months from and after the passage of this act, such child or children so born out of wedlock, shall be, and the same are hereby declared to be, legitimate and entitled to all the rights and privileges of children born in wedlock.

Sec. 2. Be it further enacted, That this act shall be in force from and after its passage.

Approved 29th November, 1841.

 AN ACT

To define the Boundaries of the County of Goliad.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the territory included in the following limits, shall constitute the county of Goliad, to wit:—Beginning at the Coleta Creek on the line of Refugio county, (as run by W. Richardson, Deputy Surveyor of Refugio county,) and running with said line of Refugio county, to the Aransas river; thence, up said river, with its meanders, to the crossing of the Mier road; thence, northwest to the line of Bexar county; thence, with said line, to the San Antonio river, at the mouth of the Cibolo Creek; thence, north sixteen degrees east, to the Gonzales county line; thence, with said line, to the Coleta Creek, near the south-east corner of Gonzales county; thence, down said creek, with its meanders, to the place of beginning.

Sec. 2. Be it further enacted, That all laws, and parts of laws, contrary to this act, be, and the same are hereby, repealed.

Approved 2d December, 1841.

AN ACT

Making farther Appropriation for the Post-Office Department.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of forty thousand four hundred and seventy dollars be, and the same is hereby appropriated for the use of the Post-Office Department; provided, that a greater amount than ten dollars per mile, per annum, shall not be paid to Messrs. Highsmith and Jones, on Route No. 30, from Austin to Houston, for one thousand eight hundred and forty one, until otherwise provided by law.

Sec. 2. Be it further enacted, That the Secretary of the Treasury be directed to issue said amount of Texas promissory notes, to meet this appropriation.

Sec. 3. Be it further enacted, That this act take effect from and after its passage.

Approved 7th December, 1841.

AN ACT

Better to define the Boundaries of Burnet County, and for other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the boundary of the county of Burnet be, and is hereby, established within the following boundaries, to wit:—Beginning at a place known by the name of Houston's Mound, north of Mutchison's Prairie; thence, westwardly, to the Iron-eye Village, on the Elk-heart creek; thence, to the Trinity river; and from Houston's Mound (the place of beginning) to the Neches river, so as to make a straight line from the Trinity river to the Neches river; thence, up the main west fork of the Neches river, to Clarence A. Lovejoy's survey, number one hundred and seventy-seven, on the west boundary line of the Cherokee lands; thence, due north, to the Sabine river; thence, up the Sabine, to the fork; thence, up the north fork, to E. W. Shultz's survey; continuing up the same, to the Fannin county line; thence, west, with said line, to the Trinity river; thence, down said Trinity river, to the above-named line, running direct from the Neches to the Trinity.

Sec. 2. Be it further enacted, That Fort Houston is permanently established the Seat of Justice for said county.

Sec. 3. Be it further enacted, That the county of Burnet be entitled to, and authorized to raise a company of volunteers for the protection of the frontier of said county, upon the same principles, and under the same restrictions, that other frontier counties are provided for by law.

Sec. 4. Be it further enacted, That this act shall take effect from and after its passage.

Approved 6th December, 1841.

AN ACT

Giving the name of Trinity to the Northern Division of Liberty County.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, all that portion of territory included within the limits of the northern division of Liberty county, shall be known and styled "The County of Trinity," and shall be entitled to all the privileges of other counties in this Republic, except that of separate representation in the national Congress of the Republic, which shall be regulated heretofore.

Sec. 2. Be it further enacted, That it is hereby made the duty of the Chief Justice of said northern division, to order an election for Sheriff and Coroner for said county of Trinity, within six months after the passage of this act: provided, however, that nothing herein contained shall affect the rights of any duly commissioned officer now in said division.

Approved 7th December, 1841.

JOINT RESOLUTION,

Relative to Public Printing.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Sam. Whiting, Esq., be, and he is hereby declared to be, a Printer; and shall print the laws and journals of the sixth Congress; and shall receive a compensation therefor, at the following rate:

rates:—forty-five cents for each copy of one hundred pages, or forty-five dollars for every one hundred copies of one hundred pages each, and in that proportion, including folding and stitching.

Sec. 2. Be it further resolved, That the Secretary of State furnish said Sam. Whiting, immediately, with copies of all laws and joint resolutions contemplated to be published, as the same may be filed in the Department of State.

Sec. 3. Be it further resolved, That the Secretary of State is hereby required, forthwith, to enter into, and require bond and security from the said Sam. Whiting, for a compliance on his part, of the terms of this joint resolution; and that the terms upon which said printing is to be done, be particularly and specifically set forth in said bond.

Sec. 4. Be it further resolved, That this resolution take effect from and after its passage.

Approved 7th December, 1841.

AN ACT

To amend "An Act" entitled "An Act to prescribe the method of proceeding to obtain the benefit of the Writ of Habeas Corpus,"

Approved January fourteenth, one thousand eight hundred and forty.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Chief Justice of the County Court, in addition to the officers named in the above-recited act, shall be, and he is authorized to issue the writ of habeas corpus, upon the terms and conditions of said act, provided he shall not hear the same upon the return of the writ, without having associated with him one of the associate justices of the county court, or any justice of the peace of his county, who shall be required, either verbally or in writing, to sit with him in such case; and said chief justice, and associate justice, or justice of the peace, shall determine the same, and award such judgment as said recited act permits: the proceedings of said chief justice, and his associate, shall be subscribed by them, and filed in the office of the District Clerk of the proper county, and shall have the same effect as if the proceeding had been had before a district judge.

Sec. 2. Be it further enacted, That this act take effect, and be in force, from and after its passage.

Approved 7th December, 1841.

JOINT RESOLUTION

For the relief of the Citizens of Jasper County.

Whereas, the citizens of Jasper county have been prevented from obtaining their patents to lands, in consequence of frauds having been committed by designing persons, in using the seal of that county, by impressing it upon an incorrect abstract of land certificates, purporting to be the same as recommended by the Commissioners appointed to "detect fraudulent land certificates," genuine and legal claims against the Government, and being detected in the General Land-Office; and

Whereas, a true copy of the original abstract having been deposited in the same, that only requires the formality and sanction of law,—therefore,

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the copy of the original abstract of land certificates, now in the General Land-Office, and certified to by the Chief Justice and Sheriff of Jasper county, to be a true copy of the original abstract of land certificates, recommended as genuine and legal claims against the Government, by the Commissioners appointed to detect fraudulent land certificates, be, and the same is hereby, ratified and validated the same as the original could be; and the Commissioner of the General Land-Office is hereby required to issue patents upon the said claims, so certified and returned, in the same manner as though the return had been made by the proper Commissioners.

Sec. 2. Be it further resolved, That this Joint Resolution shall have effect from and after its passage.

Approved 7th December, 1841.

 AN ACT

Giving the Election of Chief Justices of County Courts to the People.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, the election of Chief Justices of County Courts, in all cases of vacancy in said offices, shall hereafter be by the legal voters for members of Congress in the county where such vacancy may occur: provided, that

ice now in office, shall continue to hold and exercise the reof, until the term of such office shall expire, according to law in force when such Chief Justice was elected.

Be it further enacted, That when the office of Chief Justice of any county of this Republic, shall become vacant by the expiration of the term of such office, the election for the same shall be held at the time, and according to the laws regulating the election of electing sheriffs and other county officers; and when the office shall become vacant from death, resignation, or otherwise, it shall be, and is hereby made the duty of the associates of such county, when such vacancy exists, immediately upon such vacancy taking place, to issue a writ of election to fill such vacancy, on giving ten days' previous notice of such election by publication, in any public journal published in such county, or if no such is published, they shall give notice thereof by public notices posted upon the court-house door, and at three public places in the county, of the time and place of such election, the same to be conducted according to the general rules and regulations for the elections of county officers.

Be it further enacted, That it shall be the duty of the Governor of State forthwith to order elections to fill all such vacancies now exist in the several counties of this Republic, and that all persons so commissioned, as provided by this act; and that all laws in conflict with the provisions of this act be repealed, and that this act be in force from and after its passage.

7th December, 1841.

JOINT RESOLUTION

For the Elections in the County of Ward, and for other purposes.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the elections held in the county of Ward, on the twenty-first day of February, one thousand eight hundred and forty-one, for county officers of said county, be, and the same are hereby declared to be legal; and all the official acts of the officers elected, and all proceedings, are hereby declared to be as valid as if no doubt existed as to the legality of the same.

Be it further resolved, That the unfinished business

now remaining in the district and probate courts of the county of Colorado, and Matagorda, which properly pertains to the county of Ward, be, and the same is hereby ordered to be transferred to the clerk of said courts, to the clerk of the district and probate courts for said county of Ward; and the same shall be finished and closed by said courts, in said county, as though it had been originally instituted therein.

Sec. 3. Be it further resolved, That this resolution shall go into effect from and after its passage.

Approved 10th December, 1841.

AN ACT

To abolish certain Offices therein named, and to fix the Salaries of the Officers of the Civil List, and certain others therein named, and for other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, the following offices be, and the same are hereby abolished, viz:—The offices of the Commissioner of Revenue, Stock Bureau, Translator of the General Land-Office, Commissary of Subsistence, and Quarter-Master of the Regular Army, and Pay-Master-General.

Sec. 2. Be it further enacted, That it shall be the duty of the Secretary of the Treasury to perform all the duties heretofore performed by the Commissioner of Revenue; and it shall be the duty of the present Commissioner of Revenue to deliver to the Secretary of the Treasury, all the books, documents and papers, belonging to his office.

Sec. 3. Be it further enacted, That it shall be the duty of the Comptroller to perform all the duties heretofore performed by the Clerk of the Stock Office; and that it shall be the duty of the Secretary of the Treasury to deliver to the Comptroller, all the books, documents, and papers, belonging to the Stock Bureau.

Sec. 4. Be it further enacted, That it shall be the duty of the Secretary of War to perform the duties heretofore performed by the Pay-Master-General.

Sec. 5. Be it further enacted, That it shall not be lawful for the President, or Secretary of War, to retain in service, or to call into service, the Quarter-Master-General of Militia, Commissary-General of Subsistence of Militia, or the Adjutant-General and Inspector-General of the Militia; or any Quarter-Master-General.

y, or Adjutant, of the Militia, except in case of invasion, or enemy, of such character as to require the service of militia in the field; and, in that case, the said officers discharged from service, within one month after the discharge of the militia.

Be it further enacted, That the Secretary of State shall be authorized to appoint one Chief Clerk, and one Assistant Clerk, for the Department, and one Chief Clerk for the Post-Office Bureau, and no more. The Secretary of the Treasury shall be authorized to appoint one Chief Clerk and two Assistant Clerks for the Department, and no more. The Secretary of the War Department shall be authorized to appoint one Chief Clerk and two Assistant Clerks for said Department, and no more. The Commissioner of the General Land Office shall be authorized to appoint one Chief Clerk and four Assistant Clerks, and one Assistant Clerk, for the General Land-Office, and no more—except such as he may be authorized to employ for a limited period by special enactment of Congress. The Comptroller shall be authorized to appoint one Chief Clerk and one Assistant Clerk for the Comptroller's Office, and no more. And the Auditor shall be authorized to appoint one Chief Clerk and one Assistant Clerk, and no more.

Be it further enacted, That the Treasurer shall hereafter perform the duties of his office without any assistance.

Be it further enacted, That there shall be appointed in the service, one Captain of Ordnance, who shall be Superintendent of the Arsenal, and whose duty it shall be to receive and preserve all public arms and munitions of war now in said arsenal; and to collect, as far as may be, other public arms and munitions of war which are now scattered over the various parts of the country; and to cause the same to be preserved. The said Superintendent shall be authorized to employ four laborers to assist the Armorer in cleaning, repairing and keeping in order, the public arms—the laborers to be appointed to be approved by the Secretary of War, and to receive monthly wages in full compensation for their services.

Be it further enacted, That the following salaries per annum shall be allowed to the officers hereinafter named, as provided by law, payable quarterly—except clerks, who shall receive their pay monthly, in par funds, in full compensation for their services to be by them performed in their respective offices, the President of the Republic, with a house, five thousand dollars; the President's Private Secretary, six hundred dollars; Vice-President of the Republic, one thousand dollars; Secretary of

State, fifteen hundred dollars; Secretary of the Treasury, fifteen hundred dollars; Secretary of War and Navy, fifteen hundred dollars; Attorney-General, one thousand dollars; Commissioner of General Land-Office, twelve hundred dollars; Treasurer, one thousand dollars; Comptroller, one thousand dollars; Auditor, one thousand dollars; Captain of Ordnance and Superintendent of Arsenal, six hundred dollars; Draftsman of the General Land Office, seven hundred dollars; Chief Clerks of the various Departments and Bureaux, each, six hundred dollars; Assistant Clerks of the various Departments and Bureaux, each, five hundred and fifty dollars; Armorer, forty dollars per month; laborers in the Arsenal, each, twenty-five dollars per month; Chief Justice of the Supreme Court, one thousand seven hundred and fifty dollars; Judges of the District Courts, each, one thousand seven hundred and fifty dollars; members of Congress, three dollars per diem for services, and three dollars for every twenty-five miles' travel going to and returning from the Seat of Government; the President of the Senate, pro tempore, while acting, and the Speaker of the House of Representatives, each, three dollars per diem; Chief Clerk of the House of Representatives shall be allowed salary during the recess of Congress, the same as Chief Clerk of the Departments and Bureaux, and he shall receive the sum of four dollars per diem, during the time that Congress may be in session; Secretary of the Senate, and Assistant Secretary of the Senate, shall be allowed a salary of four dollars per diem, during the time that Congress may be in session; assistant, and other clerks, of the Senate, two Houses, each, four dollars per diem; other officers of the Senate, two Houses, each, three dollars per diem.

Approved 11th December, 1841.

AN ACT

To repeal an Act to Incorporate the Town of Shelbyville, and granting further powers to the Corporations of San Augustine and Nacogdoches.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That so much of the above-mentioned act, approved November second, one thousand eight hundred and thirty-seven, as relates to the town of Shelbyville be, and the same is hereby repealed.

Be it further enacted, That this act shall take effect after its passage.
10th December, 1841.

AN ACT

g the Title to the Town Tract of the Town of Victoria to the Corporation of said Town.

a concession of four leagues of land was made by the excellent Deputation of Texas, on the thirteenth day of one thousand eight hundred and twenty-four, to a citizen, Martin De Leon, for the foundation of a town on the margin of the river Guadalupe, under which authority, and organization Law of the twenty-fourth of March, one thousand eight hundred and twenty-five, the said Martin De Leon founded the town of Guadalupe De Victoria, now known as the town of Victoria, in the county of Victoria; and the said four leagues of land have been surveyed, under authority legally emanating from Fernando De Leon, late Commissioner of De Leon's Colony—therefore,

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the title to the four leagues of land heretofore conceded by the State of Coahuila and Texas to citizen Martin De Leon, for the foundation of the town of Guadalupe De Victoria, is hereby confirmed; and the said four leagues of land, or the parts thereof remaining unsold, are hereby acknowledged, and declared to be the property of the present Corporation of the town of Victoria, and their successors in office, in trust, forever, for the use and benefit of the citizens of said town.

Be it further enacted, That all sales of town and outlots made within the limits of the Victoria town tract, heretofore made, are hereby ratified and confirmed, and acknowledged and declared to be as good and valid in law, as if the grant made to De Leon, by the State of Coahuila and Texas, had been perfected and completed on the day of the date of the foundation of the town of Guadalupe De Victoria.

Be it further enacted, That the Corporation of the town of Victoria is hereby empowered and allowed to do and perform any act or acts, thing, or things, authorized by and under the present law of corporation.

Be it further enacted, That the Commissioner of the

General Land-Office is hereby authorized and required to recognize, as good and valid, the copy of the field notes of the tract of the town of Victoria, as made by James Kerr, D. Surveyor of J. M. J. Carabajal, formerly Principal Surveyor of De Leon's Colony; and he is hereby further authorized and required to issue to the Corporation of the town of Victoria and their successors in office, a patent to the said four leagues of land constituting the town tract of the town of Victoria aforesaid.

Sec. 5. Be it further enacted, That this act take effect from and after its passage.

Approved 10th December, 1841.

JOINT RESOLUTION

For the relief of the Soldiers composing the late First Regiment of Infantry.

Whereas, the soldiers enlisted under an "Act entitled an Act to provide for the protection of the Northern and Western frontiers," approved twenty-first December, one thousand eight hundred and thirty-eight, were, under the provisions of the said act, entitled to a bounty of one hundred and sixty acres of land, to be surveyed to them contiguous to the posts to which they were respectively attached; and

Whereas, by a supplement to the above-recited act, approved fifth February, one thousand eight hundred and forty, the bounty was augmented to two hundred and forty acres, in event it could not be had contiguous to the posts; and

Whereas, the provisions of the above-named acts were not carried into effect, the regiment disbanded, and the soldiers discharged prior to the expiration of their term of service; therefore

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of War be, and he is hereby, authorized and required to issue certificates for two hundred and forty acres of land to all soldiers who shall produce honorable discharges, signed by the proper officers.

Sec. 2. Be it further resolved, That the soldiers so receiving certificates, are hereby authorized to locate the same upon unappropriated lands belonging to the Republic, at their own expense, and in conformity to law:—provided, always, said c

only be granted to the original holder, or soldier, his
gatees.

d 10th December, 1841.

AN ACT

in part, "An Act to incorporate the City of Richmond,
the Towns of San Felipe de Austin and Lagrange."

Be it enacted by the Senate and House of Repre-
of the Republic of Texas in Congress assembled,
uch of an act entitled an act to incorporate the city of
and the towns of San Felipe de Austin and Lagrange,
o the incorporation of the city of Richmond be, and the
reby, repealed; and that the powers of said corporation
revoked; and this act shall take effect from and after

d 10th December, 1841.

JOINT RESOLUTION

iating five thousand dollars for Contingent Expenses of
Congress.

Be it resolved by the Senate and House of Repre-
of the Republic of Texas in Congress assembled,
um of five thousand dollars be, and the same is hereby,
d for the contingent expenses of both Houses of Con-
that the Secretary of the Treasury be required to issue
f the promissory notes of this Government as will fill
oriation.

Be it further resolved, That this Joint Resolution shall
from and after its passage.

d 11th December, 1841.

AN ACT

To amend an Act entitled "An Act to Incorporate the City of Richmond, and the Towns of San Felipe de Austin and Lagrange."

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That "An Act to amend an Act, entitled an Act to incorporate the city of Richmond, and the towns of San Felipe de Austin and Lagrange," approved January twentieth, one thousand eight hundred and forty-one, be so amended that the Board of Aldermen of the town of San Felipe de Austin shall consist of eight freeholders or householders.

Approved 20th Dec., 1841.

JOINT RESOLUTION

To provide for the dissemination of the Laws and Journals

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the laws and journals shall be printed under the direction of the Secretary of the Republic, and it shall be his duty, so soon as the said laws and journals shall be printed, to transmit, by mail, a copy of said laws to each of the chief justices, members of Congress, magistrates, clerks, sheriffs, coroners and constables, of the several counties of the Republic, and a copy of the journals to each of the chief justices, district attorneys and county clerks, and members of Congress, of the several counties and districts of the Republic.

Approved 20th Dec., 1841.

AN ACT

Chief of John S. Black, and sundry other citizens of Harris County.

By accident, or otherwise, a portion of the Records of the Board of Land Commissioners of the county of Harris have been misplaced, that the same could not be subjected to the examination of the Commissioners created under and by virtue of an act entitled "An Act to detect Fraudulent Land Certificates, and provide for issuing Patents to Legal Claimants," passed on the ninth day of January, one thousand eight hundred and forty, in consequence of which the said John S. Black, and others, who obtained certificates from the said Board of Land Commissioners of Harris county, have been unable to have the same examined upon by the said Board appointed by the act to detect fraudulent land certificates as aforesaid; therefore,

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, that a Tribunal or Board of Land Commissioners of the county of Harris created by an act entitled "An Act defining the mode of holding holders of conditional certificates shall establish the same on or before the first day of January fifteenth, one thousand eight hundred and forty-one, shall form and constitute a Board for the said county to investigate all claims the records of which were lost or destroyed during the investigation of the Board of Commissioners under an act entitled "An Act to detect Fraudulent Land Certificates," and provide for the issuing of Patents to Legal Claimants, which claims have never been passed upon by said last Board.

Be it further enacted, That any holder of a certificate issued by the former Board of Land Commissioners of Harris county, which has not been examined by the Board of Commissioners appointed under the said "Act to detect Fraudulent Land Certificates," may apply to the tribunal mentioned in the first section of this act, for a ratification of said claim; and any holder so applying shall be required to prove, before the said Commissioners, the records of said claim so asked to be ratified, were in the time the Commissioners, appointed under "An Act to detect Fraudulent Land Certificates," were investigating the same, to the Board of Land Commissioners of the said county.

of Harris. And the said holder shall be further required to the genuineness of said claim against the Government, and he is justly and lawfully entitled to the quantity of land specified in said claim:—provided, however, that none but oral testimony shall be received by said tribunal in the investigation of said claim.

Sec. 3. Be it further enacted, That, upon the application for proof being made, as provided by this act, by any holder of orders of surveys, it shall be the duty of the said tribunal to whom said proof is made, to execute to the said holder a certificate, that they have examined said claim, and find the same to be justly and lawfully entitled against the Government. And it shall be the duty of said Commissioners to report all claims acted upon by them under the provisions of this act, to the Commissioner of the General Land-Office, so soon as the same shall have been completed.

Sec. 4. Be it further enacted, That any applicant who obtains a recommendation of his claim, as aforesaid, shall pay to the said tribunal five dollars of Texas treasury notes, two dollars and fifty cents of which shall go to the clerk, the balance to be equally divided between the members of the board signing the certificate.

Sec. 5. Be it further enacted, That it shall be the duty of the Commissioner of the General Land-Office to issue patents upon claims which may be certified as genuine, and justly entitled, in accordance with this act, in the same manner as though they had been recommended by the said Board of Commissioners appointed under "An Act to detect Fraudulent Land Certificates."

Sec. 6. Be it further enacted, That this act shall take effect from and after its passage.

Approved 20th Dec., 1841.

AN ACT

To repeal, in part, and amend "an Act regulating the License for the Practice of Attorneys," approved twenty-sixth January, one thousand eight hundred and thirty-nine.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the eighth section of the above-recited act, so far as

Chief Justices of the County Courts, and Justices of the same and the same is hereby repealed.

Be it further enacted, That no Chief Justice of the County Courts, or Justice of the Peace, who may be admitted as Attorney and counsellor at law, shall appear in any court as counsel in any cause that may have been adjudicated by him; and this Act be in force from and after its passage.
Passed 20th Dec., 1841.

AN ACT

To legalize James T. White, and Nancy White—his Wife, to be the lawful Heir of Amanda Snody, and declare her their Lawful Heir.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That James T. White and Nancy White, his wife, be, and they are hereby authorized and empowered to adopt Amanda Snody, and she be their lawful heir.

Be it further enacted, That Amanda Snody shall hereafter be called and known as Amanda White.
Passed 20th Dec., 1841.

AN ACT

To amend an Act entitled "An Act for the Incorporation of the Town of Liberty," approved seventh June, one thousand eight hundred and thirty-seven.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Chief Justice of the county of Liberty be, and he is hereby required to hold an election for the purpose of electing trustees for the town of Liberty, to fill the vacancy occasioned by the expiration of the term of office of the trustees last in office in the town, according to the provisions of the third section of an Act, in which this is a supplement.

Sec. 2. Be it further enacted, That hereafter, if, from any cause, the Mayor of said town shall fail or neglect to hold an election according to the third section of said act, then it shall be the duty of the Chief Justice of said county to hold said election, conforming to the provisions of said third section of said act.

Approved 21st Dec., 1841.

JOINT RESOLUTION.

Establishing a certain Mail-Route therein named.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of State be, and he is hereby authorized, to contract for the carrying a Weekly Mail from Pecos Vaca, in Victoria county, to the town of Victoria, and have the same carried into effect as early as practicable.

Sec. 2. Be it further resolved, That the Secretary of State and he is hereby, authorized to contract forthwith, without advertising, as usual, for the carrying of the mail on said route, provided he can obtain a contract for the same, at the average rate per mile of all the routes in the Republic, or at a lower rate.

Approved 21st Dec., 1841.

JOINT RESOLUTION,

Fixing a Salary for the Clerk of the Supreme Court.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Clerk of the Supreme Court shall, hereafter, be entitled to a salary of five hundred dollars, in addition to his fees of office, to be paid out of the Treasury of this Republic as other clerical expenses of the Government are paid; and that amount is hereby appropriated for said purpose.

Sec. 2. Be it further resolved, That this act shall take effect from and after its passage.

Approved 27th Dec., 1841.

AN ACT

To provide for the erection of a Penitentiary.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a suitable site upon which to erect a Penitentiary shall be selected by a joint vote of the two Houses of Congress.

Be it further enacted, That so soon as said selection has been made, it shall be the duty of the Secretary of the State to have laid off ten acres of ground, embracing said site, to cause to be built thereon, of substantial materials, a building for the Republic of Texas, of sufficient size to contain at least one hundred separate cells, and other necessary accommodations for the residence of the keeper, and other purposes connected with the same, in a plan to be approved by the President, to enclose said building in a securely walled yard of dimensions to allow room for the erection of workshops, for the employment of the convicts who may be there confined, and for the use of labor which may be deemed most profitable and advantageous to the Republic.

Be it further enacted, That there shall be an agent appointed by the President, to superintend the erection of said Penitentiary, who shall follow, from time to time, such instructions as may be given him by the President; and that he submit his annual report for the expenses incurred about the same, at the end of each year, to the Treasury Department, to be passed upon and approved, and the accounts of other public officers are settled; and said agent shall receive a salary of fifty dollars per month for the services rendered of him by this act.

Be it further enacted, That it shall be the duty of said agent to cause to be built, as soon as may be, of logs or other substantial material, a house, or houses, in which to secure, at night, and at other times when not employed at work, all convicts who are sentenced to said Penitentiary before the same is ready for occupation.

Be it further enacted, That there shall be appointed a keeper of said Penitentiary, by and with the advice and consent of the Senate, a suitable person as the keeper of said Penitentiary, who shall be paid an annual salary of eight hundred dollars, to be paid out of the salary of other public officers are paid, out of any money in the Treasury not otherwise appropriated; which salary shall commence until the services of said keeper are absorbed.

lutely required to take charge of convicts sent to said Penitentiary.

Sec. 6. Be it further enacted, That it shall be the duty of said keeper to take charge of all convicts which may be sent to said Penitentiary; and to keep them employed at proper labor for labor, at such work as may be most beneficial to the Republic and suitable to their condition; and until said Penitentiary be erected and ready for the reception of each convict, it shall be the duty of said keeper to employ all the male convicts, during working hours, in chain gangs, in getting out and preparing materials for said building, and in such other work about the same as the agent may direct; and to secure said convicts at night, at such other times as they may not be at work in the temporary buildings herein ordered to be erected.

Sec. 7. Be it further enacted, That said keeper shall have liberty to employ, under the direction of the President, all necessary assistants, overseers, and guard to watch over said convicts while at work, and to keep them secure in their confinement; provided, that such assistants and overseers shall not be entitled to a greater compensation than twenty-five dollars each, per month for their services; and that the persons employed as guard shall be entitled to more than fifteen dollars each, per month, for their services; and provided, also, that there shall not be employed any one time, a greater number of assistants, overseers, and guard than are absolutely necessary for the management and security of said convicts.

Sec. 8. Be it further enacted, That all female convicts sentenced to said Penitentiary shall be employed, at working hours, in cooking, washing, sewing, and such other domestic duties as may be necessary at the said Penitentiary as may be necessary in preparing food and clothing for the convicts and laborers about the same: and at all times, they shall be kept separate and distinct from the male convicts.

Sec. 9. Be it further enacted, That the daily allowance for said convicts, in food, shall be sixteen ounces of beef, or two ounces of pork, or eight ounces of smoked bacon; one gill of molasses, sixteen ounces of corn bread, eight ounces of potatoes, or half pint of beans or peas, for each convict; and a half pint of vinegar, and half pint of salt for each twelve convicts; and that proportion for a similar number: provided, that when meats are issued to said convicts, a sufficient quantity of salt shall be furnished to salt the same, in addition to the quantity allowed above; but if said convicts shall be sick, the said food shall be changed in accordance with the direction of the attending

of said Penitentiary; and it shall be the duty of the said Penitentiary to issue proposals for supplying said with the food hereby allowed; and to make contracts for with the lowest bidder for such contracts, and requiring security for their faithful performance, to see that the complied with: and it shall also be his duty to certify the accounts of said contractors, monthly, for the supply may be furnished, which accounts shall be settled at Treasury Department, as other public accounts are settled

Be it further enacted, That it shall be the duty of to contract with some resident physician of the county hood where said Penitentiary is located, to attend said when sick, at a fixed and established rate for each visit to ntary, to be settled at the Treasury Department as nts are settled.

Be it further enacted, That the sum of two thousand and the same is hereby appropriated out of any money sury not otherwise appropriated, for carrying into effect visions of this act; but that no part of said money shall om the Treasury, except upon the warrant of the Audi- upon the settlement of accounts as provided for by law; e requisition of said agent, countersigned by the Presi- audited as aforesaid; and no part of said appropriation plied to the erection of the permanent buildings of said y, until the heavy materials for the same have been got- prepared by the convicts therein.
January 4th, 1842.

AN ACT

an Act entitled "An Act prohibiting Forced Sale of Slaves."

acted by the Senate and House of Representatives public of Texas in Congress assembled, That "An ting forced sale of Slaves under Execution," approved th, 1841, be, and the same is hereby repealed.
30th Dec., 1841.

AN ACT

Making it the duty of the Commissioner of the General Land Office to issue Patents in particular cases.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all parts of laws requiring the payment of taxes upon surveys before patents can issue thereon be, and the same are hereby repealed; and hereafter it shall be the duty of the Commissioner of the General Land-Office to issue patents in all cases where the claimant is otherwise legally entitled to such patents, although taxes upon the surveys shall not have been paid: provided, that the land shall be held liable for all taxes that may be due on said land at the time of issuing patent for the same.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Passed January 7th, 1842.

AN ACT

To incorporate the Brazos Canal Company.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a Company be incorporated under the name and style of "The Brazos Canal Company," under the rules and regulations hereinafter mentioned; and under this title may transfer their rights by succession or assignment, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; and that they, and their successors, may have a common seal, and may change and alter the same at pleasure; and, also, that they and their successors by the same name and style, shall be, in law, capable of holding, purchasing, and conveying, any estate, real, personal, or mixed, that may be necessary for the use of said corporation, in carrying on and completing said work, and doing and performing all things which are necessary and common for companies

ture to do, not contrary to the provisions of this charter, after enacted, or to the Constitution of this Republic.

Be it further enacted, That the said company shall have to effect a communication, by water, between the Brazos the harbor of San Luis; and shall also have the right to improvements in the different bays, bayous, creeks, &c., between the Brazos river and the harbor of San Luis, as may expedient by them or their agents; and may charge for passing through said communication and improve—the Board of Directors may, on the completion of the in just and reasonable.

Be it further enacted, That the said company may establish their different routes and improvements, and make use of boats, vehicles, wagons, or carriages, of any nature for the purpose of transportation.

Be it further enacted, That the capital stock of said shall be one hundred thousand dollars, and be divided into and shares of one hundred dollars each.

Be it further enacted, That the management of the said company shall be conducted by a Board of five each of whom shall own at least twenty shares of the stock of the said company; and three of said directors a quorum to do and perform all the business necessary successful operations of said improvements—that the said directors shall appoint a President from one of members, and fill such vacancies as may, from time to time, from death, resignation, or otherwise: that all elections shall be held annually, at the city of San Luis, on the day of June of each year; and in case of failure to elect fixed by this act, the corporation shall not be dissolved cause, but the President and Directors, for the time being, continue in office until there shall be an election, and that holders shall have one vote for each share that they own, vote by attorney.

Be it further enacted, That until the first Monday in January, James F. Perry, William T. Austin, Matthew Hopkinds, and George L. Hammekin. are hereby to be directors of this company, and may appoint one or more of their members to open books for the subscription of the stock of said company—which subscriptions may be paid in cash, or by labor, provisions, clothing, or such articles as the Board of Directors may deem of interest to the company.

Be it further enacted, That the President and Directors of the said company shall prescribe the form of certificate

cates of shares of stock, and the manner of transferring such certificates; but the transfer shall be made in a book to be kept for the purpose by said company, at their place of doing business, in which transfer shall be made in the presence of, and attested by, either the President or Secretary of said company; and a transfer may be made by such share-holders in person, or by his, her, or their agent, the power of attorney to such agent to be duly executed and certified, and lodged with the President or Secretary of said company: provided, that no transfer shall be allowed to be made on the transfer-book, except it be done at least fifteen days previous to, or five days after the day of election for directors, as appointed in section fifth of this act.

Sec. 8. Be it further enacted, That the President and directors of this company shall have full power to borrow money on the faith of this charter, to accomplish the object of the present act; and may hypothecate the stock, or other property, real or personal, and issue certificates for the payment of the same; and to do and perform, as directors of said company, every thing necessary and proper to carry it into complete operation.

Sec. 9. Be it further enacted, That the President and directors of this company shall have the right to survey, locate, and make their improvements, through any improved or unimproved lands, on the most eligible route; and should the company, or their agents, not be able to make arrangements with the owner or owners of the said land through which it may be necessary to run said improvements, or should said owner or owners not be capable of contracting, or be absent or unknown, the company may petition the Chief Justice of the county in which the land is situated, giving a description of the lands which they deem necessary and indispensable for their operations, with the names of the proprietors, if they can be ascertained; and the Chief Justice shall then summon a jury of six freeholders, not interested in the company, who shall make a report of the value of the land so required; and upon the payment thereof by the company, either to the owner, or to the treasurer of the county, a clear and bona fide title shall be granted by the Chief Justice, a copy of which shall be recorded in the Recorder's Office of the county where the land is situated: provided, that the land so required shall not exceed one hundred yards in width—provided said canal, in no case, run through any man's house, yard, or barn lot, without his consent.

Sec. 10. Be it further enacted, That if any person who ever shall wilfully, by any means whatever, injure, molest,

part of the improvements made by said company under any of their works, buildings, fixtures, or machines, property, such person or persons so offending, shall each be liable for all damages occasioned thereby; and within twelve months after such offence shall have been committed, and upon conviction, be punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding twelve months, both, at the discretion of the court.

Be it further enacted, That at the expiration of twenty years from the date of this act, Congress shall have the power to purchase, at par, the whole of the capital stock of this company: and that if the purchase be not made within twelve months after the expiration of that period, then this charter shall be considered as renewed for the next succeeding twenty years, at the expiration of which period, the canal shall belong to the Republic.

Be it further enacted, That this charter shall not be so construed as to admit of banking privileges, in any form whatever.

Be it further enacted, That nothing in this act shall be construed so as to interfere with the free navigation of Bascom Bay, or any other creeks, bays and bayous, privileged to the provisions of this bill.

Be it further enacted, That this act shall be subject to amendment by Congress, so far as to regulate the toll for the expiration of five years.

Approved 3d January, 1842.

AN ACT

relating to the duties of Associate Justices of the County Courts.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That hereafter shall be lawful, and it is hereby made the duty of the Associate Justices of the County Court, in case of a vacancy of the office of Justice of the County Court, or inability of that officer, to cause whatever, to discharge the duties of his office, to perform the duties of the said Chief Justice, until such inability is removed, or the vacancy filled.

Be it further enacted, That this act shall take effect from and after its passage.

Approved 3d January, 1842.

AN ACT

To amend an Act entitled "An Act organizing Justices' and defining the Powers and Jurisdiction of the same," approved the twentieth day of December, one thousand eight hundred and thirty-six.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Justices of the Peace shall hereafter have jurisdiction of all suits instituted for the recovery of specific articles of personal property when the value of the articles sued for does not exceed one hundred dollars; and in all actions for torts, trespasses, and other injuries sounding in damages, where the amount of damages claimed does not exceed one hundred dollars: provided, that when a trial shall be made, by either party, to the Justice for a trial by jury, it shall be the duty of such Justice to cause a jury of freeholders to be summoned, to try such actions and issues sounding in damages.

Sec. 2. Be it further enacted, That, hereafter, any person residing in any incorporated town or city, may be sued before a Justice of the peace within the corporate limits of such town or city, without regard to the distinction of districts; and the Justices residing in any incorporated town or city, may act there without such incorporation.

Sec. 3. Be it further enacted, That appeals from the judgments of Justices of the peace shall be taken within ten days next after such judgment shall have been rendered, and not after.

Sec. 4. Be it further enacted, That executions from a Justice's court shall be returnable within sixty days from the date of the issue.

Approved 6th January, 1842.

AN ACT

For the Relief of Captain Thomas N. B. Greer and his Company of Boggy and Trinity Rangers, organized by request of the President of the Republic, on the 22d day of February, 1840.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor is hereby authorized and instructed to audit

Captain Thomas N. B. Greer, and his company of Rangers for their services rendered, as mounted gunmen, in the field, according to the muster-roll of the said Captain, re-imburse him to the War Department.

Be it further enacted, That the Auditor shall issue to the said Captain, and the members of his said company, audited vouchers for the amount, and for the payment, of their said claims; and no money shall be received for taxes and government dues on any account due and owing.

Be it further enacted, That the officers and soldiers commanded by Colonel John H. Moore, who made an expedition into the Indian territory, in the fall of 1840, be, and they are hereby made, all the benefits of this joint resolution; and that the Auditor be, and he is hereby authorized and required to audit the charges as directed in the case of Captain Greer's company.

Be it further enacted, That this act take effect from its passage.

By a constitutional majority, Jan 19th, 1842.

AN ACT

to amend the laws authorizing the Five Million Loan and for other purposes.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all laws and parts of laws authorizing the Five Million Loan the same are hereby repealed.

Be it further enacted, That all powers heretofore delegated to certain Commissioners to negotiate said Loan be and the same are hereby revoked.

Be it further enacted, That this Act take effect from its passage.

And 12th January, 1842.

JOINT RESOLUTION

Authorizing the Auditor to audit just and legal claims against Government.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled That the Auditor be required to audit all just and legal claims against the Government, properly authenticated; and that said audited paper be receivable for all government dues which have heretofore accrued, except impost duties, until otherwise provided by law.

Sec. 2. Be it further resolved, That this Joint Resolution take effect from and after its passage.

Approved 14th January, 1842.

AN ACT

To incorporate the City of San Antonio.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled That the citizens of San Antonio, in the county of Bexar, be and they are hereby declared a body politic and corporate by the name and title of the City of San Antonio; and by that name may sue and be sued, plead and be impleaded, and may hold and dispose of real and personal estate in said city.

Sec. 2. Be it further enacted, That the bounds and limits of said city, and within which the said corporation shall exercise lawful jurisdiction, shall include and comprehend all that tract of land originally granted to and composing said city with its precincts.

Sec. 3. Be it further enacted, That the qualified voters of said city shall elect members to form a City Council, consisting of one Mayor or President, and eight Aldermen; and shall also elect a Treasurer and Collector, who shall be required to give good and sufficient security, to be approved by said Mayor and Aldermen, for the faithful discharge of their duties and of the trusts reposed in them; the amount of their bonds, if forfeited, to be paid into the City Treasury.

Be it further enacted, That the election, under this act, place on the last Monday in December of each and every year, public notice thereof being given at least ten days preceding the same, by the Mayor; who, in conjunction with such Aldermen, to be named by the Board, shall direct and preside over the election; and the Mayor and Aldermen, and other officers of the city, at such elections, shall enter upon the discharge of the duties of their offices on the first day of the month of January, following the election, and shall continue in office for one year.

Be it further enacted, That no person shall be a member of the Council, nor be entitled to vote for any member thereof, who is either a house-holder or owner of real estate within the city, or is a member of said corporation, and who has not resided therein, at least six months previous to an election, and paid up his city taxes.

Be it further enacted, That the Mayor, as President, and a majority of the Council, shall constitute a quorum for the transaction of business; they shall have power to enact and enforce ordinances and regulations as they may deem necessary for the government and general improvement of the city and its suburbs; provided, the same shall not conflict with the Constitution and laws of this Republic. They shall also form bye-laws to govern their own proceedings, and shall have full power and authority to make and enforce all ordinances necessary for the proper government of the city: also for paving and cleaning the streets, regulating markets, removing nuisances, fixing and arranging the sidewalks and side-ways or walks of the streets of the city; for these, and other like purposes, they are authorized to levy equitable rates or taxes, on all fixed and moveable property within the city, and to collect the same by the most effectual process; the poorest class of citizens, who may be exempted from taxation, shall be obliged to contribute by their manual labor towards all works of public utility; the quantity of said labor shall be equally apportioned and received in lieu of pecuniary contribution, and vice versa. The Council may inflict moderate fines for infractions or disobedience of its ordinances, and recover the same by summary proceedings; provided, that in all cases, where there is unequal taxation, undue demand for labor or excessive charges, the parties aggrieved shall have the right to appeal to the Court.

Be it further enacted, That the said Council are also authorized to grant licenses to persons retailing spirituous liquors, and to billiard tables and others; provided, that no gam-

ing establishment, nor any other contrary to law, be sanctioned or covered by such licenses.

Sec. 8. Be it further enacted, That the said Council are empowered and authorized to sell and alienate such public parcels of land, or other real property, as may be within the jurisdiction, and to which there is no legal claimant or title; and to dispose of such houses or other buildings, or lands, as may formerly have been the property of the corporation of said city; and the Council may sue for and recover all debts, forfeitures accruing or due to the said corporation; the proceeds of such sales and recoveries to be appropriated, under the direction and management of said Council, to the erection and repair of a court house, jail, and such other public edifices as may be deemed most conducive to the erection and endowment of a public school, and to the general improvement of the city.

Sec. 9. Be it further enacted, That the Mayor of said city shall be ex-officio justice of the peace, and shall exercise the powers thereof throughout the county of Bexar, and shall be entitled to the same fees as other magistrates of the same class.

Sec. 10. Be it further enacted, That if a vacancy should at any time occur in the office of Alderman, the Board of Aldermen shall have power to fill such vacancy; and should the office of Mayor become vacant, the Chief Justice of the county shall be, and is hereby authorized and required to issue forthwith a writ for election, to be holden on a day mentioned in said writ; and at the regular annual elections, in the aforesaid city, not being on the day prescribed by law, they may be holden at any time, on five days notice thereof being given; and that in case either of a vacancy in the office of Mayor, or the sickness, absence, or inability of the Mayor to discharge his duties, the Board of Aldermen shall have power to appoint one of their own body, who shall perform the duties of said office until a new Mayor be elected, or until such sickness, inability or absence.

Sec. 11. Be it further enacted, That the Council of the City of San Antonio be, and is hereby authorized to appoint and employ such officers, with the regulation of their compensation, as may be necessary; and the officers, so appointed, may be removed at the pleasure of the Board; and may be required to give bond, with security, to the Mayor, in such penalty as may be deemed requisite, and shall perform such duty as may be enjoined upon them, and shall be liable for such fines, for neglect of duty, as may be imposed upon them.

Sec. 12. Be it further enacted, That the Mayor, Aldermen,

officers of the city of San Antonio, elected for the present, shall continue in office, and discharge the duties of their offices, as defined by this act, until the first day of Jan-

Be it further enacted, That the Mayor shall have power to call the meetings of the Council, whenever the affairs of the city require, and at all times shall take care that the laws of the State be duly executed.

Be it further enacted, That all previous laws, or parts of laws, relating or in any manner touching the incorporation of San Antonio, be and the same are hereby repealed, and shall take effect from and after its passage.
January 14th, 1842.

JOINT RESOLUTION

For the publication of the Laws in the Spanish Language.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of State be, and he is hereby required, immediately after the adjournment of Congress of each year, to cause a general notice to be translated into the Spanish language, and published in any newspaper of the city of San Antonio; and should there be no newspaper published in San Antonio, the notice shall be printed in some paper published in the Republic; and provided, that at least two hundred and fifty copies of each notice shall be furnished to the Secretary of State for circulation; and provided, further, the expense of printing and publication shall not exceed six hundred dollars.

Be it further resolved, That this Joint Resolution shall take effect from and after its passage.
January 12th, 1842.

AN ACT

To organize the southern part of Milam County for Judicial and other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, all that portion of territory comprehended within the following limits, to wit, beginning on the Brazos river, at the north-east corner of a section of one league of land, in the name of H. E. Davis, known on the map as league No. 6, below Nashville; thence, south six degrees west, to the eastern line of Bastrop county; thence, along said line, in a south-eastwardly direction, to the old San Antonio road; thence, along said road, in a north-eastwardly direction, to the third or south branch of the Yegua; thence, down said branch to its junction with the Yegua; thence, down the Yegua to the Brazos river; thence, up the Brazos river, with the meanders of the same, to the beginning, be, and the same is hereby constituted a separate district or territory for judicial and other purposes, and privileges enjoyed by the inhabitants of the counties of this Republic, except that of a separate representation in Congress; which privilege shall be exercised by them as heretofore, under the previous organization of Milam county.

Sec. 2. Be it further enacted, That the above-described district or territory shall be known and styled by the name of "Washington," and shall be organized in conformity with law; and the Chief Justice of Milam county shall order an election to be held in said district or territory, on the first Monday in February, for a Chief Justice, County Surveyor, and all other county officers for said district or territory; and the returns of said election shall be made to the Chief Justice of Milam county, and be, and the same shall be forwarded to the Department of State; and the county courts shall be held on the second Mondays of February, May, August, and November.

Sec. 3. Be it further enacted, That the above described district or territory is hereby attached to the third judicial district; and the district courts shall be held in the same at such times as may be fixed by law.

Sec. 4. Be it further enacted, That the town of "Columbia," which has been selected for the county seat of a new county hereafter to be formed in accordance with "An Act to divide the southern part of Washington county to the county of Milam, and

approved February fourth, eighteen hundred and forty, contemplated by the afore-mentioned act, the seat of the above-described district or territory.

Be it further enacted, That William D. Thompson, George Shapley Ross, Winford Bailey, and Major Bryant, be appointed commissioners to select a site for the permanent seat of justice of Milam county; and the point so selected for holding the district and inferior courts, and named "San Andres;" and the above-named commissioners be authorized to purchase not less than fifty nor more than one hundred and twenty acres of land, provided the cost of the land do not exceed one dollar per acre, or receive, by donation, a tract of land for the use and benefit of said county—to be divided into suitable lots, and sold by the said commissioners, for the erecting public buildings, and paying the necessary expenses attending the same; and, in case of the inability of any of the commissioners to act, a majority shall have the right to act, in such vacancies.

Be it further enacted, That the district and inferior courts of Milam county shall continue to be held at Nashville. The commissioners, appointed by this act, shall have notified the seat of justice of Milam county that the court-house, and other public buildings, are completed; after which time, the terms of the district and inferior courts, respectively, shall be held at the site selected by said commissioners.

Be it further enacted, That Capt. Erath be, and he is authorized to run and mark the dividing line between the county and the territory or district herein created, from a certain point on the Brazos river, as described in this act, to the line of Bastrop county, for which he shall receive one mile in par funds, one-half to be paid by the county and the other by the district of Burleson.

Be it further enacted, That all business pertaining to the court of Milam county, which has been transacted at Caldwell, shall be as valid in law, as if it had been done at the seat of justice of Milam county; and all laws, and parts thereof, contravening the provisions of this act be, and the same are hereby repealed.

January 15th, 1842.

JOINT RESOLUTION

Requiring the Secretary of State to suspend the printing of Laws in the Spanish Language.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled That the Secretary of State be, and he is hereby required to suspend the printing of the laws in the Spanish language; and the Treasurer is hereby instructed to pay to the publisher the amount now due for the work actually completed under the present contract.

Approved 17th January, 1841.

AN ACT

To incorporate the Colorado Mining Company, and other Companies for similar purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled That Thomas Ragsdale, Thomas J. Rabb, Henry English, Jacob Pennington, James C. Ragsdale, William W. Thompson, John Burnham, John H. Burnham, and Peyton Johnson, with such other persons as they shall associate with them for the purpose hereinafter mentioned, and their successors, citizens of Texas shall be and they are hereby created a body corporate and politic by the name and style of "The Colorado Mining Company;" and as such, shall be capable, in law, of suing and being sued, in the courts of this Republic; and of purchasing, holding, selling, leasing, and conveying estates, both real and personal, so far as may be necessary to carry out the objects for which said company created, and no further; and shall have, exercise, and enjoy the rights and privileges incident to corporations, and not inconsistent with the laws or Constitution of this Republic: provided that no company be allowed mining privileges on more than ten leagues of land under the provisions of this bill.

Be it further enacted, That the said company shall have open and work all gold, silver, or lead mines upon lands or hereafter, may belong to said company, upon condition they pay into the Treasury of the Republic five per centum of the gross amount of gold or silver which may be, by any, derived or extracted from said mines.

Be it further enacted, That the business of said company shall be conducted by a Board of three Directors, a majority of whom shall constitute a quorum to do business—the said Directors shall meet biennially, by the members of said company; and it shall be the duty of said directors to elect, from their own body, a President and Treasurer.

Be it further enacted, That it shall be the duty of the President of said company to report semi-annually, on the first of January and July of each year, to the President of the Republic the total amount of gold and silver obtained from each mine which may be worked by said company; particularly the amount obtained in each week included in the period for which said semi-annual report is made; which report of the President of said Company shall be accompanied by a written affidavit of the President and Treasurer of the company, affirming the correctness of said report: and the President or Treasurer of said company, at the time of making said report, pay into the Treasury of the Republic five per centum of the share, or per centum, to which the Republic is entitled under the provisions of this act.

Be it further enacted, That if the said company, by its President and Treasurer, shall fail to make the report prescribed in the previous section, for more than one month after the time at which they are to be made, under this act, the President of the Republic shall issue his proclamation, declaring the said company forfeited; and the individuals composing said company, or being associated with any other persons in any way connected with said company.

Be it further enacted, That it shall, thereafter, be lawful for any number of individuals, citizens of Texas, who may wish to work gold, silver, or other mines, upon any lands belonging to the State, to associate themselves together in company, of not less than three persons; and, upon application to the Governor of State, in writing, he shall issue to said company a charter, under seal of his office, setting forth their applications and the terms of this law, and authorizing them to proceed under the same restrictions, and with the same privileges, as are granted to "The Colorado Mining Company;" and

provided, also, that any individual may exercise, on his own, the privileges granted to companies by this bill.

Sec. 7. Be it further enacted, That no corporation which be brought into existence by the provisions of this act, shall continue longer than ten years from the date of its passage, unless by the virtue of another act of Congress to that effect.

Sec. 8. Be it further enacted, That any person or persons who shall work any gold or silver mines, except upon the terms and conditions prescribed by this act shall be liable to indictment before the District Court of the county in which said mines are situated, and subject to a fine at the discretion of the Court.

Sec. 9. Be it further enacted, That any company brought into existence by this act, which shall fail to commence working within twelve months from the date of their charter, or, after having commenced, shall discontinue the same, for the space of twelve months, shall forfeit all rights accruing to them under said charter.

Sec. 10. Be it further enacted, That each company applying to the Secretary of State for a charter, under the provisions of this act, shall, at the time of receiving the same, pay to the Secretary, for the use of the Republic, the sum of twenty dollars, for which a receipt shall be expressed in said charter.

Approved 17th January, 1842.

AN ACT

To provide for the Ransom and Rescue of Texian Prisoners.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Treasurer be, and he is hereby authorized to pay out of the Treasury, a reward for the redemption of Texian prisoners, in the hands of hostile Indians, not exceeding three hundred dollars, payable for each prisoner so redeemed.

Sec. 2. Be it further enacted, That whenever any citizen or citizens of Texas, a prisoner or prisoners in the hands of hostile Indians, shall be rescued from such captivity, by force or stratagem of war, the Treasurer shall be required to pay, in the order of the President, to the persons or company so rescuing, the sum of three hundred dollars for each and every prisoner so rescued, upon proper proof of the facts being made.

Approved 17th January, 1842.

JOINT RESOLUTION

Relief of Captains Roberts', Jackson's, and Sowell's Companies of Rangers.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor of the Public Land Office, and he is hereby required to audit the claims of Captains R. Roberts, Daniel R. Jackson, and Joseph Sowell, and the officers and soldiers under their respective commands, who were rendered in the years eighteen hundred and thirty-two, eighteen hundred and forty, and eighteen hundred and forty-one, in the county of Fannin, so soon as proper discharges are presented, and that said audited drafts be receivable for the government dues heretofore accruing; and the Auditor is authorized and required to issue said drafts to the bona fide assignee of the above-named discharges.

Be it further resolved, That this joint resolution take effect from and after its passage.
Approved 17th January, 1842.

AN ACT

For the descent and distribution of Intestates' Estates, approved twenty-eighth January, one thousand eight hundred and

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the eighth and ninth sections of the above entitled act shall be controlled and governed by the provisions of the fourth section of said act; and further, that should there be either father or mother of the intestate surviving, instead of the estate of the intestate taking effect as indicated in said seventh and eighth sections, the estate shall be inherited and descend upon such surviving parent, or if both parents, in equal moieties, should both survive; and such surviving parents, shall not be excluded, no matter in what manner the estate may have been acquired by the intestate.

Be it further enacted, That this act shall take effect and be in force from and after its passage.
Approved 17th January, 1842.

AN ACT

For the redemption of certain Texian Prisoners.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the sum of six hundred and nine dollars, in par funds, of the same is hereby appropriated for the purpose of redeeming the Indians, two small white boys, the son and the nephew of Cox, who were captured about the thirteenth or fourteenth of the year one thousand eight hundred and forty-one.

Sec. 2. Be it further enacted, That the sum of three hundred dollars, in par funds, be, and the same is hereby appropriated for the redemption of Mrs. Tidwell, who was captured on the 1st of the year one thousand eight hundred and forty.

Sec. 3. Be it further enacted, That the sum of three hundred dollars, in par funds, be, and the same is hereby appropriated for the redemption of the son of Mrs. Angeline D. Smith, taken in the neighborhood of the City of Austin by the hostile Indians, on the 1st of the year one thousand eight hundred and forty; and the sum of three hundred dollars, in par funds, be appropriated for the redemption of the son of Mrs. Lyons, of Fayette county, taken by the Indians in the latter part of the year one thousand eight hundred and thirty-seven.

Sec. 4. Be it further enacted, That this act take effect from and after its passage.

Approved 17th January, 1842.

AN ACT

To change the name of Charles Denny Morse to Charles De Morse.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the name of Charles Denny Morse be, and hereby is changed to Charles De Morse.

Approved 17th January, 1842.

AN ACT

relief of the Purchasers of Lots in the City of Austin, and Out-Lots upon the Tract adjoining.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That any person who has heretofore purchased lots in the city of Austin or out-lots on the tract adjoining said city, shall have the option to relinquish his or her purchase of any one or more of said lots, by applying the payments heretofore made on the same to the purchase of any city or out-lot or lots appertaining to the city of Austin, the purchase of which may not be relinquished: provided, that such act shall not be so construed as to authorize the payment by any purchaser, of any portion of the amount which may have been paid into the Treasury Department; and also, that lots which have heretofore been forfeited by the non-payment of any installment, shall not be exempted from the provisions of this section; and said lots shall be and considered as forever forfeited.

Be it further enacted, That it shall be the duty of the Secretary of the Treasury, upon any purchaser of a city or out-lot in the city of Austin, heretofore made at any of the public sales of land, producing a written relinquishment of his right to the lots acquired by said purchase, to accept the same and to apply the payments heretofore made by such purchaser on said lots, thus relinquished, to the payment of any other lot or lots purchased by said purchaser, which have not been relinquished; and the Secretary of the Treasury shall not be authorized to pay to any purchaser, any portion of the money heretofore paid into the Treasury Department, upon any lot which may hereafter be purchased and not relinquished as aforesaid; nor shall he be authorized to apply the payment of any lot not relinquished, any portion of the money which has been paid on any lot heretofore forfeited by the non-payment of the installments due thereon: provided, that any person making application, under the provisions of this act, to the Secretary of the Treasury, shall certify, under oath, that the lot or lots relinquished have not been injured by fire or removed by the cutting down or removing the timber therefrom.

Be it further enacted, That the further time of six months is hereby allowed to all persons for purchases of town lots, city property, out and town lots, to pay for the same;

and that all those who have heretofore failed or neglected to come forward and give their notes for purchases of said out and in lots as provided by law, may now come forward and give them.

Sec. 4. Be it further enacted, That this act shall take effect from and after its passage.

Approved 17th January, 1842.

JOINT RESOLUTION

Authorizing the Commissioner of the General Land-Office to employ three additional Clerks.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land-Office be, and he is hereby authorized and empowered to appoint one assistant clerk, and three additional clerks, one of which shall be a competent Spanish scholar, whose duty it shall be to record all titles in Spanish and Mexican titles in well bound books, to translate documents when required by the Commissioner, and generally to perform such duties as may be required by the head of the department; and that he shall give bond with three or more sureties, in the sum of ten thousand dollars, for the faithful performance of his duties, and the safe-keeping of all books, papers, documents, and all other matters and things that may be entrusted to his charge; and shall take and subscribe the same oath that other officers are required to take.

Sec. 2. Be it further resolved, That the salary of the Chief Clerk of the General Land-Office shall be seven hundred and fifty dollars per annum; the salary of the two English assistant clerks shall be the same as the other assistant clerks of the General Land-Office; the salary of the Spanish clerk shall be the same as allowed for the chief clerk; and the draftsman shall receive the amount as allowed by law.

Sec. 3. Be it further resolved, That this act shall take effect from and after its passage.

Approved 18th January, 1842.

AN ACT

entary to an Act entitled "An Act making it the duty of Commissioner of the General Land-Office to issue Patents in particular cases," passed January, one thousand eight hundred forty-two.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That an act in an Act making it the duty of the Commissioner of the General Land-Office to issue Patents in particular cases, shall be amended as to authorize and make it the duty of the Commissioner of the General Land-Office to deliver all patents, now made and remaining in his office, in like manner as those which are made subsequent to the date of the law to which this is a supplementary law to the contrary notwithstanding.

Be it further enacted, That this act take effect from its passage.
18th January, 1842.

AN ACT

Regulating Fees of Office.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it shall be lawful for the Clerk of the Supreme Court, Clerks of the District Courts, Clerks of the County Courts and Courts of Sessions, Judges of Probate, Justices of the Peace, Chief Justices of the County Courts, Attorneys and Counsellors-at-Law, Notaries Public, Sheriffs, Coroners, Constables, and County Surveyors, to demand and receive the several fees hereinafter specified, for services rendered by them, respectively, in virtue of their several offices, and no more, that is to say:—To the Clerk of the Supreme Court—for entering the appearance of a party, in person or by attorney, fifty cents; for every rule or motion docketed, fifty cents; for copy of every rule, fifty

cents; for entering every continuance, fifty cents; for administering an oath or affirmation, twenty-five cents; for doing each cause, (to be charged but once,) fifty cents; for entering judgment, one dollar; for entering every decree, one dollar; fifty cents; for filing the record upon a writ of error, or supersedeas, fifty cents; for taxing cost and copy (in any suit,) fifty cents; for every order in Court, (other than fifty cents; for a search for any thing above one year's statute and reading, if required, twenty-five cents; for all copies required, for each hundred words, twenty cents; for every not herein mentioned, the same fees as are allowed to clerks of District Courts for similar services: and there shall be allowed by the Supreme Court, to their clerk, reasonable office rent, stationery and furniture, to be paid out of the Treasury of the State, on the order of the Court. To the Clerks of the District Courts—for each writ, fifty cents; for copy of petition, for each hundred words, fifteen cents; for docketing each cause, charged but once,) fifteen cents; for filing each bond, paper, or other paper, in a cause, ten cents; for entering each appeal, ten cents; for entering each motion, rule, or order, twenty-five cents; for entering each nonsuit, discontinuance, nolle prosequi, or other judgment, fifty cents; for order and copy of rule or order, fifty cents; for entering each continuance of a cause, fifty cents; for swearing each witness in court, ten cents; for scire facias, in every cause, ten cents; for swearing and empanelling jury, in each cause, ten cents; for receiving and entering verdict, twenty-five cents; for scire facias, (except against jurors, or accused,) one dollar; for each subpoena for one witness, twenty-five cents; for each additional name inserted in such subpoena, ten cents; for entering surrender of principal by his bail, ten cents; for commission to take deposition or interrogatory, fifty cents; for copy of interrogatories if made out by the Court, for every hundred words, fifteen cents; for taking a deposition, fifty cents; for each execution issued, fifty cents; for taxing costs in each cause, and copy of same, twenty-five cents; for making a complete record of any cause after judgment, for every hundred words, fifteen cents; for each bail piece, fifty cents; for each certificate without seal, twenty-five cents; for each certificate with seal of office, fifty cents; for entering the finding of an indictment, twenty-five cents; for arraigning prisoner, and entering pleas, fifty cents; for all copies, other than herein mentioned, for each one hundred words, fifteen cents; for all services herein provided for, such fees as the District Court shall determine to be taxed in the bill of costs: and there shall be allowed

Office rent, stationery, and furniture, to be paid, on the County Court, out of the County Treasury. To County and Probate Courts—for recording of every required by law to be recorded, and for copies of the en required, for each hundred words, fifteen cents; for of a witness, or the acknowledgment of the party to the of any writing, and making certificate of the same, fifty letters testamentary of administration or guardianship, ; for taking bond of executors, administrators or guar- y cents; for the performance of any service not herein for, the same fees as are allowed to Clerks of District r similar service. To the Judges of Probate—for taking e of any will or testament, one dollar; for granting any pointing an administrator, executor, or guardian, one r examining, stating, and reporting each account of ex- dministrators, or guardians,—for the first sheet, two or each additional sheet, fifty cents; for the appoint- ppraisers to an estate, one dollar; for the apportionment olvent's estate among creditors, two dollars; for every er not herein provided for, necessary to be made in the ation or settlement of estates of every description, fifty any business that the law requires to be done by the tices, not herein provided for, a reasonable compensa- be allowed him by the County Court. To Justices of —for each warrant in civil cases, fifty cents; for each r mittimus in criminal cases, twenty-five cents; for ognizance, twenty-five cents; for each subpoena for twenty-five cents; for every additional name inserted subpoena, ten cents; for every execution issued, and sts thereon, fifty cents; for each attachment, including affidavit, seventy-five cents; for each appeal, with the gs, bond and certificate, and transcript of record, one r every oath or affidavit in writing, twenty-five cents; other certificate not herein provided for, twenty-five all writing required by virtue of his office, and not herein provided for, each one hundred words, fifteen o District Attorneys:—That the fees of district attor- l be, when, in the following cases, a conviction shall be felonies, twenty dollars; for misdemeanors, ten dollars; g and selling ardent spirits without license, twenty-five hich sums shall be taxed in the bill of costs, and paid fendants who may be convicted, and shall not be paid overnment. Each District Attorney shall receive an an- y of two hundred and fifty dollars. To Notaries Pub-

lic—for protesting any bill or note, and registering and seal, ten dollars; for attesting any power of attorney and seal, twenty-five cents; for notarial affidavit and seal, fifty cents; for extending protest in all cases, and for all copies of such extended protest for each hundred words therein, fifteen cents; for all other notarial acts, with seal, not herein otherwise provided for, fifty cents. To Sheriffs—for levying an attachment on the estate of an absconder or absconding debtor, one dollar; for levying execution, one dollar; for returning execution, fifty cents; for making money on execution or attachment—for the first hundred dollars, three per centum; for the second hundred dollars, two per centum; and for each additional hundred dollars, one and a half per centum; for collecting money, other than by execution or attachment, one-half the above per centum; for the service of all original writs with copy of petition, on each defendant, one dollar; for the service of all other process, fifty cents; for each bond or [re]cognizance, fifty cents; for the assignment of each bail bond, twenty-five cents; for executing deed to purchasers of real estate, ten dollars; for executing bill of sale to purchasers of personal property, one dollar; for attending prisoners on habeas corpus before the Judge, per day, two dollars; for each commitment, release, fifty cents; for executing death warrant, twenty-five dollars; for whipping a person by order of Court, two dollars; for removing prisoner—for every mile going and returning, including guards, and all other expenses, twenty-five cents; for executing venire facias to be taxed, in each cause, fifteen cents; for empannelling a jury, in each cause, fifteen cents; for summoning a special jury, two dollars; for empannelling grand jurors, and vertizing and attending elections, serving all public orders of courts, and for all other public services not otherwise provided for, a sum not exceeding fifty dollars per annum, to be allowed by the District Court, and paid out of the County Treasury; and in all cases where a sheriff shall act in the place of a constable, he shall be entitled to only such fees as are allowed by this law to constables; for keeping prisoners, fifty cents per day to be approved by the County Court, and to be paid out of the treasury of the county in which the prisoner committed the crime; and in cases of emergency, the sheriff may employ guards for the safe-keeping of prisoners, who shall receive one dollar per day,—such to be audited by the County Court, and paid out of the County Treasury: provided, that the county whose limits the offence shall be alleged to have been committed shall bear such additional expense. To Coroners—for taking inquisition on a dead body, five dollars; for all other services re-

them, the same fees that are allowed to sheriffs for the same of similar services. To Constables—for serving each writ, twenty-five cents; for serving each subpoena, twenty-five cents; for attachment, fifty cents; for commitment of prisoners, fifty cents; for taking bonds when necessary, fifty cents; for execution, fifty cents; for making money on execution sale, four per centum; for collecting money other than on or attachment, two per centum; for conveying prisoners, including guard and all other expenses, twenty-five cents; for going and returning; for each day's attendance on one summoned by the sheriff, to be paid out of the County Treasury one dollar and fifty cents; for summoning coroner's inquest, to be paid by the county, two dollars. To County Surveyors—for the inspection of field notes and plats of a survey for land and labor of land, three dollars; for one third of a section, two dollars; for any smaller quantity, one dollar; for any matter contained in his books, twenty-five cents. To Deputy Surveyors—for surveying any tract of land, for each lineal mile actually run, two dollars;—the above sum for each mile to cover all the expenses of making the survey, turning the plat and field notes of the survey.

Be it further enacted, That the fees herein before mentioned pertaining to suits and proceedings in the courts, shall be allowed in the bill of costs, in the suits or actions in which services shall be rendered; but not more than one copy of a writ shall be allowed in the bill of costs; nor shall there be any attorney's fee tax in the bill of costs, except in the cases provided; and if any party, or his attorney, shall take out his own pleadings, or of papers filed by him in any cause, for such copies shall not be allowed in the bill of costs. Be it further enacted, That every clerk and sheriff shall keep a book, and shall enter therein all fees charged for services rendered; which book shall, at all times, be subject to the inspection of any person wishing to see the account of fees charged for services therein; and none of the fees herein mentioned shall be allowed except upon the production, in writing, of a bill containing particulars of such fees, signed by the proper officer.

Be it further enacted, That it shall be lawful for the Justices of the peace of the several courts of this Republic, when a suit or cause is determined, and the fees not paid by the party from whom they are due, to make out execution

therefor, directed to the sheriff, or other proper officer, of the county or beat where the party resides; and the sheriff, or other proper officer, shall execute and return such executions as in other cases: provided, that a copy of the bill of costs is annexed to such execution.

Sec. 5. Be it further enacted, That any officer herein named, who shall charge and receive, under any pretence whatever, a greater fee than is herein allowed for the performance of any service herein mentioned, shall be liable to be indicted by the Grand Jury of the county where such officer resides, for extortion; and if convicted upon such indictment, he shall forfeit and pay a fine of not less than one hundred dollars—to be adjudged by the court in which the conviction is had; and the officer so offending and convicted shall be farther adjudged, by the court, to be deprived of his office, and to be disqualified for ever afterwards from holding any office of honor or profit in this Republic.

Sec. 6. Be it further enacted, That an act entitled "An Act to compel all government officers to receive the promissory notes of the Government for all dues that may accrue to them in the discharge of the duties of their offices," approved January 19th, 1842, and all laws and parts of laws heretofore enacted, providing for establishing the fees of the officers herein named, be, and the same are hereby repealed.

Sec. 7. Be it further enacted, That whenever any fees shall come due to any of the officers of the several county and probate courts of this Republic, and shall not be paid, it shall be lawful for the clerk of such court to issue execution for the same, directed to the sheriff, or other lawful officer, who shall execute and return such execution, as in other cases; and to every such execution shall be annexed a bill of costs, specifying the particular items; and it shall be lawful for the clerk of any court, or justice of the peace, to require security for costs before issuing any process in any suit about to be commenced, unless the party applying for such process, his agent or attorney, shall make oath that the party so applying is unable to give such security.

Sec. 8. Be it further enacted, That this act shall go into operation from and after its passage.

Approved 18th January, 1842.

JOINT RESOLUTION

ing Judges of the Supreme Court certain Privileges.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Supreme Court shall, at their discretion, arrange cases on the docket in such a manner, that all cases coming from each district may be submitted to trial together, or in any other most convenient to the purposes of justice.

Be it further resolved, That this Joint Resolution take effect from and after its passage.
Passed 18th January, 1842.

AN ACT

to establish and incorporate the Marshall University.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a semi-annual meeting be, and the same is hereby established at Marshall, in the county of Panola, to be denominated the "Marshall University."

Be it further enacted, That there shall be fifteen trustees, who shall constitute a Board to take charge of the interest in said university, and a majority of the whole number shall constitute a quorum to do business.

Be it further enacted, That the following persons are hereby named, and shall be recognized, as a Board of Trustees of said university: _____ Livingston, Edward Smith, George T. Tarrant, H. Hightower, _____ Maulding, _____ White, C. W. Ows, Oba Hendrick, Samuel P. Hall, I. Van Zandt, Joseph James Shelbourn, David Hill, W. W. Pridgen, and Bailey _____, who shall elect, from their body, once in each

year, and oftener, should vacancies occur, a President, Secretary and Treasurer, whose several duties assigned them by said Board. The Secretary and Treasurer receive for their services, such compensation as the Board may direct: all other trustees shall discharge their duties jointly and severally.

Sec. 4. Be it further enacted, That the trustees of said University, and they are hereby constituted a body politic and corporate in deed and in law, by the name and style of "The Trustees of the University," and by that name they, and their successors, may and shall have succession, and be able and capable to sue, and be sued, have, receive, and enjoy, to them, and their successors, all real, personal, and hereditaments, of any kind, in fee, or for years, and personal property of any kind whatsoever, and all sums of money which may be given, granted, or bestowed on them, for the purposes of promoting the purposes of the university.

Sec. 5. Be it further enacted, That there shall be an annual meeting of the Board of Trustees in each year, at the time and place determined by the Board, and that the President of said Board of Trustees shall have full power to call an occasional meeting of the Board whenever it shall appear to him necessary; and, in his absence, the Vice-President, or the senior member of the Board, shall discharge the duties devolving on the President.

Sec. 6. Be it further enacted, That the trustees of said University shall, and may, have a common seal for the business of the University, and they, and their successors, with liberty to change or alter the same from time to time, as they shall think proper; and that the said trustees, and their successors, shall, and may, sue, and be sued, defend, and be defended, in all courts of law in this Republic; and grant, bargain, and sell, or assign, all real, personal, and hereditaments, goods, or chattels, now belonging to said University, or that may hereafter belong to the same; to construct and erect necessary buildings for said institution; to establish a library; to have the management of the finances of said institution; to have the power of electing their own officers, of appointing all committees, and to act and do all things whatsoever for the benefit of the said institution, in as ample a manner as any person, or persons, corporate or politic, can and may do by law.

Sec. 7. Be it further enacted, That the said trustees shall have the power to prescribe the course of studies to be pursued by the students, and of forming and enacting all such

vs as shall appear to them necessary for the good gov-
of said university, and of their own proceedings: pro-
same be not repugnant to the Constitution and laws of
olic of Texas; and provided, further, that in the course
established by said Board, the Spanish language shall
red and treated as only second in importance and utility
glish.

Be it further enacted, That the Principal of said
shall be styled the President, and the instructors there-
ofessors; and the President and Professors, or a majority
the Faculty of Marshall University; which faculty shall
r to enforce the ordinances and by-laws adopted by the
Trustees for the government of the students, by reward-
suring them, and finally, by suspending such of them
peated admonition, shall continue disobedient or refrac-
the determination of a quorum of trustees can be had,
l only be in the power of a quorum of trustees, at their
tings, to expel any student or students of said university.

Be it further enacted, That the trustees shall have full
authority, by the President and Professors of the said
to grant or confer any degree or degrees in the arts
s, to any of the students of said university, or persons
eemed worthy, as are usually granted and conferred in
colleges; and to give diplomas or memorials thereof,
them, and sealed with the common seal of the university,
icate and perpetuate the memory of such graduations.

Be it further enacted, That whenever any vacancies
r in the Board of Trustees, either by death, resignation,
se, such vacancy shall be filled by a majority of the re-
trustees.

Be it further enacted, That all necessary officers of
ution shall be appointed by a majority of said Board of
and whenever a vacancy shall occur in the Presidency,
the professorships of the university, the Board of Trus-
have the power to fill such vacancy.

Be it further enacted, That the trustees shall have the
ix the salaries of all the officers connected with the uni-
d of removing any of them for neglect or misconduct in
majority of the whole Board concurring in such removal.

Be it further enacted, That the institution hereby
and incorporated, shall be purely literary and scien-

tific, and the students of all religious denominations who shall enjoy equal privileges.

Sec. 14. Be it further enacted, That the lands, public buildings and other property belonging to the said university, are hereby declared to be free from any kind of public tax.

Sec. 15. Be it further enacted, That the names of all donations to the said university, with their donations annexed, shall be carefully and legibly inscribed in a book kept for that purpose, which shall be preserved among the archives of said university, in order that posterity may know who were the benefactors of the institution.

Sec. 16. Be it further enacted, That the trustees of said university shall have power to appoint ten honorary members to be added to their number; and the said members so appointed shall take their seats, at any meeting of the Board, and advise and confer with the members thereof, but shall not be entitled to vote, but, in all cases, a majority of the regular Board shall be necessary to transact business.

Sec. 17. Be it further enacted, That four leagues of land and the same are hereby granted to the trustees of said university and their successors, to be located on any vacant and unappropriated land in this Republic; and the Commissioner of the General Land-Office, upon the application of any one of the trustees, is hereby authorized to issue certificates in tracts of less than one-fourth of a league, in the name of "The Trustees of Marshall University, and their successors;" and the said trustees are empowered to employ any legally authorized surveyor to locate and survey the same, as other certificates or orders of survey, issued by the lawful authorities of this Republic; and the said surveyor shall make return of his field notes, which shall be received and examined by the county surveyor in the manner prescribed by law, without charging any fees for the same; and the Commissioner of the General Land-Office is hereby required to issue patents for the same, to the trustees aforesaid, and their successors; and the said land shall not be disposed of, in any way, by the trustees, within a less time than three years, after the same shall have been patented by the Government, unless the same shall yield to the Government three dollars per acre in par funds.

Sec. 18. Be it further enacted, That the four leagues of land are hereby given, granted, and confirmed, to the said trustees of said university, and their successors, who shall have full power to sell, alienate, lease, rent, or otherwise dispose of the same, and the proceeds thereof shall be for the erection of suitable buildings for the purchase of philosophical, astronomical, and chemical

for the promotion of literature, science, and the arts, and for no other purpose whatever.

Be it further enacted, That the property owned by the University, under the provisions of this act, shall, at no time, be in value the amount of two hundred thousand dollars.

Be it further enacted, That this act shall be deemed to have taken effect, and judicially taken notice of without special pleading.

Be it further enacted, That the Congress of the Republic of Texas, and it hereby reserves, the power to revise and amend this act at each successive period of ten years from and after its passage.

18th January, 1842.

AN ACT

To authorize the President to issue Exchequer Bills, and to declare that such Bills shall be receivable in payment of taxes and duties on goods and merchandise imported into the Republic of Texas.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the first day of February next, it shall not be lawful for the Treasurer or of Customs of this Republic to receive in payment of duties upon goods, wares and merchandize imported into the Republic, after the day above specified, any thing but Exchequer Bills, or the Exchequer Bills hereinafter authorized to be issued.

Be it further enacted, That it shall not be lawful for the Treasurer and Collectors of direct or license taxes to be assessed for one thousand eight hundred and forty-two, and all subsequent years, to receive anything in payment of such taxes except silver, or the Exchequer Bills authorized to be issued under the provisions of this act.

Be it further enacted, That the President be, and he is hereby authorized to issue Exchequer Bills, payable on demand, and receivable in payment of all public dues, to an amount not exceeding two hundred thousand dollars, in sums of five, ten, twenty, and one hundred dollars, to be signed by the President, countersigned by the Secretary of the Treasury; keep one copy in each Department, specifying the amount of each

denomination of bills, their number and date, and pa
endorsed by such person as the President may dire
record as above, which shall be filed in the Comptroll

Sec. 4. Be it further enacted, That the President
is hereby authorized to procure, so soon as may be,
or engraved bills, for the purpose of carrying out the
this act, of such form and with such suitable devices
judgment may think proper; and that until he can
lithographed or engraved bills, it shall be lawful for
such Exchequer Bills printed in such manner as he
and that such printed bills shall be made payable to
as provided in section third: provided, that such endo
in no case be held or adjudged to make such endorser
sponsible for the payment of the same.

Sec. 5. Be it further enacted, That the President's
retary be, and he is hereby authorized to sign the Pre
to the above contemplated Exchequer Bills, and that l
half a cent for each signature.

Sec. 6. Be it further enacted, That it shall be the
Secretary of the Treasury, whenever any of said print
Bills shall be redeemed and returned to the Treasury,
same to be cancelled.

Sec. 7. Be it further enacted, That it shall be the
Collector of Customs, Sheriffs, and other receiving o
Republic, whenever any gold or silver may be recei
in payment of government dues, to apply the same to
tion, upon presentation for that purpose, of any of th
Bills authorized to be issued by the provisions of this a
that such officers shall in no case redeem the same a
than it represents on its face.

Sec. 8. Be it further enacted, That the Excheq
thorized to be issued by the provisions of this act, a
out for no other purpose than that of carrying out t
the general appropriation acts of Congress.

Sec. 9. Be it further enacted, That all land dues
land tax) and all payments for patents he made receiv
tofore, in the liabilities of the Government.

Sec. 10. Be it further enacted, That all laws here
authorizing the issue and re-issue of Promissory Not
reception in payment of duties or taxes hereafter to
be, and the same are hereby repealed.

Sec. 11. Be it further enacted, That this act tak
and after its passage.

Approved, 19th January, 1842.

JOINT RESOLUTION

Relating to the Austin City Post-Office.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to set apart of the government rooms, in a central part of the city of Austin, for the use of the city post-office.

Be it further resolved, That this joint resolution take effect from and after its passage.
Passed 18th January, 1842.

AN ACT

To establish a Mail-Route from Fanthorp's, in Montgomery County, to Dunn's Post-Office in Robertson County.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of State be, and he is hereby authorized and required to provide for the carrying a weekly mail from Fanthorp's post-office in Montgomery county, by Boonville in Navasoto county, to Dunn's post-office in Robertson county; and that he put the same in operation as early as practicable.
Passed 22d January, 1842.

AN ACT

To re-organize the Fifth Judicial District, and to provide time for holding the Courts therein.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That, hereafter, the counties of Sabine, Shelby, San Augustine, Nacogdoches, Burnet, and Houston, shall compose the Fifth Judicial district in and for the Republic of Texas.

Sec. 2. Be it further enacted, That the district court of the county of Sabine shall commence its sessions on the first Monday of March and September in each and every year, and may continue its sessions one week; for the county of San Augustine, on the first Monday after the fourth Monday in March and September, and may continue in session three weeks; for the county of Nacogdoches, as heretofore, on the first Monday of March and September, and may continue in session three weeks; for the county of Burnet, as heretofore, on the fourth Mondays of March and September, and may continue in session one week; and in the county of Houston, on the first Mondays after the fourth Monday of March and November, as heretofore, and may continue in session one week, until the business is disposed of.

Sec. 3. Be it further enacted, That all process, returnable at the terms heretofore fixed by law, shall be returnable at the terms fixed by this statute.

Sec. 4. Be it further enacted, That this act take effect from and after its passage.

Approved 22d January, 1842.

AN ACT

for the holding of an annual adjourned session of the Supreme Court in the eastern section of the Republic.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it shall be the duty of the Supreme Court, after it shall have disposed of all business before it, or after it shall have determined to adjourn its annual session to be held at the seat of government, on the first day of January, each year, to adjourn its session to the first day of June, and to the town of Nacogdoches, when and where the members composing said Supreme Court shall meet, for the purpose of transacting such business, and deciding all cases as may come before it by virtue of the subsequent provisions of this act.

Be it further enacted, That all appeals from any of the judgments of the fifth, sixth, and seventh judicial districts, and all writs for the purpose of reversing the decisions of said courts, shall be returnable to the said Supreme Court to be held at the town of Nacogdoches, at the time aforesaid.

Be it further enacted, That the counties the county seats of which compose the fifth, sixth and seventh judicial districts shall be styled and compose the Eastern District of the Supreme Court, and the counties the county seats of which compose the first, second and fourth judicial districts shall be styled and compose the Western District of the Supreme Court.

Be it further enacted, That a clerk shall be appointed for the Eastern District in the same manner—that he shall be subject to the same fees and perquisites, and subject to the same penalties, as prescribed in the act organizing the Supreme Court.

Be it further enacted, That the sheriff of the county of Nacogdoches shall be the sheriff of said court, and shall attend with the sufficient number of deputies, accordingly; and he and his deputies, shall be bound to perform the duties of said court.

Be it further enacted, That the Chief Justice of the Supreme Court shall cause to be procured, as soon as practicable,

a seal for the use of said Eastern District; and that the act shall establish and organize the Supreme court, and to define the jurisdiction thereof, approved December fifteenth, one thousand and thirty-six, as well as all laws supplementary to the same, shall be the rule of action of the Supreme Court in its sessions in the Eastern District, except so far as they may conflict with the true intent and meaning of this act.

Sec. 7. Be it further enacted, That it shall be the duty of the Chief Justice of the Republic, as soon as practicable, after the passage of this act, to appoint a clerk of the Eastern District, who shall hold his office until the meeting of said court, in the Eastern District.

Sec. 8. Be it further enacted, That, it shall be the duty of the Clerk of the Supreme Court at the seat of government, immediately after the passage of this act, to transmit to the Clerk of the Eastern District, all the papers returned into the said courts within the jurisdiction of the said Eastern District, together with this act, together with a transcript of all orders, proceedings, and decrees, had in relation thereto, and a bill of costs ready accrued in each case; which said costs, on the decision of said suits, shall be collected by the sheriffs of the proper counties and transmitted to the officers of court entitled to the same.

Sec. 9. Be it further enacted, That all laws, or parts of laws, conflicting with the provisions of this act be, and the same are hereby repealed; and this act shall be in force from and after its passage.

Approved 22d January, 1842.

AN ACT

To re-organize the Sixth Judicial District, and regulate the mode of holding Courts therein.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That, hereafter, the sixth judicial district shall be composed of the counties of Jefferson, Jasper, Menard, Trinity, and Indian, and the district court shall be held in Jefferson county, on the first Monday in March and October, and may continue one week in Jasper, on the second Monday in March and October, and

o weeks; in the county of Menard, on the fourth Monday and October, and may continue one week; in the Trinity, on the first Mondays after the fourth Mondays and October, and may continue one week; in the county on the second Monday in April and November, and ue until the business is disposed of.

Be it further enacted, That all the business now pending in the courts, in the counties herein mentioned, shall not be affected by the operation of this act, but the same shall stand for trial at the time therein specified, in the same manner as if no change had

Be it further enacted, That this Act take effect from its passage.
1 24th January, 1842.

AN ACT

y of "An Act to regulate the proceedings of the District Courts, when sitting as Courts of Admiralty," approved the 13th January, one thousand eight hundred and forty-

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it shall be lawful for the clerks of the district courts to grant writs, and other process, in all suits in admiralty now pending, or to be commenced, without the order of the judge, and the judge shall be absent from the county in which said suit is pending, or may be commenced; and the party claiming title, or the party from whose possession any property has been taken, shall have the right to stipulate for the time of the sale of such property, as contemplated in the last section of the above-recited act, in the same manner as in suits of property before sale.

Be it further enacted, That when either party to any suit in admiralty may desire the testimony of any witness, not a resident of the county where such suit may be pending, it may be transiently therein, it shall be lawful for the court, on the application of such party, his or her

agent or attorney, to summon such witness to appear before him at his office, at such time as he may appoint, not less than three days from the date of such summons, and to issue a notice to the opposite party, informing him, her, or them—his, her, or them, agent or attorney, of the time and place such witness is summoned to appear; and upon the appearance of such witness, the court shall proceed to examine him, or her, on oath, touching the facts, her knowledge of the matters in controversy in such suit, and the clerk shall reduce the testimony of such witness to writing, when so taken and certified by the clerk, shall be read in evidence, on the trial—subject, however, to all legal objections, except as to the manner of taking it: provided, the notice so taken before specified shall have been served three days before the taking of such testimony, or the sheriff shall make return on the day that the party to whom directed is not found in the county, provided, further, that the appearance of the party, his agent or attorney, at the time and place of taking such testimony, shall be any want of notice.

Sec. 3. Be it further enacted, That the district court of the several counties bordering on the sea-board, shall be open on the first Monday in each month, for the trial of admiralty and maritime causes; and if the judge of said court be not present, if there be no causes for trial in said court, the same shall be adjourned forthwith, by the clerk.

Approved 24th January, 1842.

AN ACT

Supplementary to an act, entitled "An Act to raise a Revenue by Impost Duties," approved the fifth day of February, one thousand eight hundred and forty.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be levied, collected, and paid, the following specific and ad valorem duties, in lieu of those now paid by duty on import and export:—On flour, one dollar per barrel; corn and corn meal, twenty cents per bushel of fifty pounds; oats, fifteen cents per bushel of thirty-two pounds; all other grains, twenty cents per bushel of sixty pounds; salt, ten cents per bushel of fifty pounds; sugar, (brown) one cent per pound; coffee, two cents per

all descriptions, fifteen cents per pound; all-spice and pepper, five cents per pound; and all other spices, thirty per cent. ad valorem; sperm candles, ten cents per pound; tallow, four cents per pound; sperm oil, thirty cents per pound; tobacco, manufactured, thirty per cent. ad valorem; cigars, five dollars per thousand; American cigars, three dollars per thousand; butter, six cents per pound; lard, three cents per pound; cheese, three cents per pound; chocolate, three cents per pound; beef, in barrels or otherwise, three dollars for every hundred pounds; pork, in barrels or otherwise, three dollars for every hundred pounds; bacon, two cents per pound; peas and beans, fifty cents per bushel; rice, two cents per pound; pickles, sweet-meats, and preserves, thirty per cent. ad valorem; fruits—dried, and green, thirty per cent. ad valorem; loaf sugar, three cents per pound; Havana sugar, (white) two cents per pound; vinegar, ten cents per gallon; bar soap, three cents per pound; shaving, and all perfumed soap, thirty per cent. ad valorem; porcelain and crockery ware, of all kinds, thirty per cent. ad valorem; cabinet ware, and all manufactures of wood, of which wood is the material of chief value, thirty per cent. ad valorem; all manufactures of tin, or of which tin is the material of chief value, thirty per cent. ad valorem; shoes and boots, of all kinds, twenty-five per cent. ad valorem; hats, of all kinds, twenty-five per cent. ad valorem; ladies' bonnets, of all kinds, twenty-five per cent. ad valorem; pleasure carriages and harness, of all kinds, twenty-five per cent. ad valorem; ready-made clothing and wearing apparel of all kinds, thirty per cent. ad valorem; hardware and tools of all kinds, twenty-five per cent. ad valorem; chairs of all kinds, twenty per cent. ad valorem; saddlery, of all kinds, thirty per cent. ad valorem; all house frames, and lumber of every kind, twenty per cent. ad valorem.

Be it further enacted. That there shall be collected on rope, and twine, used for packing cotton, a duty of ten per cent. ad valorem; and fifteen per cent. ad valorem on arms, and fire-arms, of every description; and stock, of all kinds, ten per cent. ad valorem; and primary school-books, shall be exempt from duty; all other books and stationery shall be subject to a duty of fifteen per cent. ad valorem.

Be it further enacted. That all the duties made payable by any act, or any law heretofore passed, and not repealed, shall be receivable in gold or silver, or exchequer bills, any provision heretofore made to the contrary notwithstanding.

Sec. 4. Be it further enacted, That the maximum salaries hereafter named, including fees of office, and payable quarterly, shall be allowed:—To the Collector of the port of Galveston, two hundred dollars; the Collectors of Brazos and Port Calhoun, eight hundred dollars each; the Collector of Aransas, six hundred dollars; subject to be diminished by the following rate of commission to wit: the collectors may retain ten per cent. of the duties upon the amount, with fees of office, comes up to the maximum salary for the ports of Galveston, Brazos, and Port Calhoun, and fifteen per cent. for the port of Aransas; but when the commission, with the fees, exceed the amount of salary, the excess of commission and fees are to be paid into the Treasury for the use of the public. Should the above rates of commission fall short of the stipulated conditional salary, then, and in that case, the said commission and fees of office to be in full for the salary. Deputy Collectors, when authorized by the Secretary of the Treasury, shall receive a salary of five hundred dollars per annum, payable quarterly. Permanent Inspectors, when authorized by the Secretary of the Treasury, shall receive a salary not exceeding six hundred dollars. Inspectors, not required permanently, and authorized by the Secretary of the Treasury, shall receive two dollars per diem while actually employed. And it is hereby made the duty of the Secretary of the Treasury to limit the number of officers in each district to the actual requirements consistent with a safe and economical collection of the revenue, provided, in the district of Port Calhoun, only two deputies shall be appointed, viz: one at the town of Port La Vaca on La Vaca Bay, and one at the town of Matagorda.

Sec. 5. Be it further enacted, That the counties of Paschal, Bowie, Red River, Lamar, and Fannin, shall compose a collector's district. The collectors appointed for the districts of Sabine, San Augustine, and Red River, shall be, and they are hereby, authorized to appoint such number of deputies, subject to the approval of the Secretary of the Treasury, as may be deemed necessary for the proper collection of the revenue; and said deputies shall receive, for compensation, ten per cent. on the amount of duties collected and paid over to the Collector, provided the amount does not exceed five hundred dollars per annum. The collectors which may be appointed under this section, or heretofore appointed, in said districts, shall receive five per cent. upon all amounts received from deputies, and paid into the Treasury, and fifteen per cent. on all amounts collected without the aid of deputies, until the commission and fees amount to eight hundred dollars for each collector, in which case, all excess of commission

office shall be paid into the Treasury for the use of the
Should the above commission and fees fall below the
conditional salary, then, and in that case, the commis-
ees shall be in full for salary.

Be it further enacted, That where no deputy is allowed
retary of the Treasury, the collector may appoint some
to the duties of the principal collector, when, from any
e cause, he may be rendered incompetent to perform
s required by law, and the principal shall be held amen-
s conduct, and the amount of compensation he may re-
e principal collector shall, also, be amenable for the
nduct of all officers appointed by him under the pro-
this act.

Be it further enacted, That all clerks employed by the
of the different districts shall be entitled to the same
clerks of the same grade in the different departments
vernment, and the number employed by each port of
shall be regulated by the Secretary of the Treasury.

Be it further enacted, That the act supplementary to
mending an Act to raise a Public Revenue by Impost
proved the fifth of February, one thousand eight hun-
orty, approved the fifth day of February, one thousand
red and forty-one, be, and the same is hereby repealed;
so much of the act, to which this act is a supplement,
he fifth of February, one thousand eight hundred and
e fourth session of Congress, as conflicts with the pre-
e, and the same is hereby, repealed, except the twelfth
he last mentioned act.

Be it further enacted, That an additional duty of five
d valorem be collected, over and above that which the
rise direct, from all goods imported on foreign bottoms,
ception of those foreign vessels which, by treaty or act
s, are permitted to enter on the payment of the domes-

Be it further enacted, That, from and after the nine-
of May, one thousand eight hundred and forty-two,
be laid on all vessels which may enter any port of the
rom any foreign port or place, a tonnage duty of sixty
n, on merchant vessels, and thirty cents on steam-boats,
o register tonnage.

Be it further enacted, That this act shall take effect
after the first day of February, eighteen hundred and

1 27th January, 1842.

AN ACT

To reduce into one, and amend the several Acts, concerning
 executions.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That after the rising of every court, it shall be the duty of the clerk to tax the costs of suit in every case incurred by the successful party, and issue execution, endorsing thereon the several items contained in the bill of costs, in intelligible words and figures.

Sec. 2. Be it further enacted, That it shall be the duty of the clerks of the several courts of this Republic to keep an execution docket, in which shall be entered the names of cases, the date when execution issued, the amount therefor, to whom assigned, delivered, and the returns which may be made thereon by the sheriff, or such officer as may receive the execution; which said docket shall be subject to the inspection of any person interested at any time when required; and any clerk who shall fail to keep such docket, or shall neglect to make the entries, shall be liable to a fine of one hundred dollars, to be recovered by the party complaining, by motion before the court, three days' previous notice being given thereof.

Sec. 3. Be it further enacted, That should the defendant of any judgment of the court, be about to remove his or her residence from the county in which judgment may be rendered, and before the rising of the court, the court shall order execution to be issued, upon an affidavit being made and filed in the court to that effect.

Sec. 4. Be it further enacted, That all executions shall be returnable on or before the first day of the next term of the court, except in justices' courts, in which they shall be made returnable within sixty days; and the defendant, or his agent or attorney, in such cases, shall have the right to designate the property to be sold, on, provided said property shall be in the county where judgment shall have been rendered, or to which execution may be directed, and if the defendant, his agent or attorney, shall fail to do so, or to designate the same, it being his own property, then execution shall be made in the following manner: first on personal and movable property, then on uncultivated lands, then on slaves, and finally, on the improved lands or homestead of the defendant.

Be it further enacted, That whenever any property shall be seized by virtue of an execution, it shall be the duty of the sheriff or other officer, to advertise the same, if it be personal property, at least ten days, at three public places in the county, one of which shall be the place where the property is to be sold; if real estate or lands, twenty days, by advertisement posted up, at the court-house of the county: provided, that all sales of negroes shall be made at the court-house door of the county, at which the sales take place, on the first Tuesday of the month between the hours of ten o'clock A. M. and 4. P. M.; and, further, that all other property may be sold on the premises where it is seized in execution.

Be it further enacted, That if, on the sale of the property, more money is received than is sufficient to pay the costs of the execution, or executions, in the hands of the sheriff, or other officer, the surplus shall be immediately paid over to the owner, or his agent or attorney.

Be it further enacted, That whenever an execution is issued for personal property, or slaves, the defendant shall have the right to retain the possession of the same, upon giving bond in security, payable to the plaintiff, in double the amount of the costs, conditioned for the delivery of the property to the sheriff or other officer, on the day of sale.

Be it further enacted, That if the defendant shall fail to deliver the property so bonded, it shall be the duty of the sheriff to return the bond to the clerk of the court from which execution was issued, and endorse thereon, forfeited; whereupon, said clerk may issue execution against the principal and sureties on the bond for the amount of the debt and costs, upon which said bond was given; and delivery-bond shall be taken; which fact shall be entered on the minutes of the clerk on the execution.

Be it further enacted, That it shall be the duty of the sheriff, on each execution, the day on which it came in, to return the same—and, if he received more than one on the same day, to return the same person, he shall number them as received; and, if he fail, he shall be liable to pay twenty per cent. on the amount of the execution, together with such damages as the plaintiff may sustain by such failure to number—to be ascertained by the court, in favor of the plaintiff, from him and his sureties, by motion, made within three days' notice that a motion will be made to that effect.

Be it further enacted, That should any sheriff, or other officer, fail, or refuse, to pay over money collected under an execution when demanded by the person entitled to receive the same,

same, shall be liable to pay ten per cent. per month so collected, besides interests and costs, which may be recovered of him and his sureties by motion before the court on the said execution issued, three days' previous notice being given.

Sec. 11. Be it further enacted, That it shall be the duty of the sheriff to keep, securely, all property levied on by execution, until no delivery-bond has been given; and if any loss shall be sustained by any party interested, by his negligence, he shall be liable for the value of the property so lost, and ten per cent. damages to be recovered, by the party injured, before any court having competent jurisdiction, three days' previous notice thereof being given.

Sec. 12. Be it further enacted, That, whenever a judgment shall be rendered, by any of the courts of record of this State, which shall operate as a lien on all the real estate of the debtor situate and being in the same county where the judgment was rendered, from the day of the date of the judgment: said lien shall cease to operate if execution be not issued within twelve months from the date of the judgment.

Sec. 13. Be it further enacted, That when judgment is obtained before the Supreme, District, County, or Justice's Court of this Republic, for any debt or damages, and the property of whom such judgment shall be obtained shall not be found within the county, where the judgment shall be rendered, to satisfy the execution of the plaintiff, it shall be the duty of the sheriff, or other legal officer of the county in this Republic, where the defendant may have property, to cause said sheriff, or other officer, to whom said execution is directed, is hereby empowered and required to serve and execute the same, and shall make return thereof to the court where the judgment was rendered: provided, that executions from justice's courts be sent to a different county from that in which they are issued, and be accompanied by a certificate, under seal of the county court, that the officer issuing the same is a peace officer.

Sec. 14. Be it further enacted, That whenever judgment shall have been rendered by any court of this Republic, the plaintiff, his agent, or attorney, shall make affidavit before the court, or clerk thereof, in which judgment was obtained, that the defendant, or defendants, hath, or have, no proper knowledge of such affiant, in his or their possession of the property, and that such affiant has just reason to believe that another person, or persons, is, or are, indebted to the plaintiff, or defendants, or hath, or have, effects of

, in his, or her, hands, it shall be lawful for the court, cause the person, or persons, supposed to be indebted to have any effects of said defendant, or defendants, the next term of such court as garnishee, or garnishees; it shall examine and proceed against said garnishee, or in the same manner as prescribed by law, against garnishees, or garnishees.

Be it further enacted, That if any person shall bid at any sale made by virtue of an execution, and shall comply with the terms of the same, he shall be liable to the plaintiff, or plaintiffs, in execution, twenty per cent. on the property thus bid off, besides costs—to be recovered in court whence the execution issued, by motion, three days notice being given to him, or her, that such motion be made; and should the property, on a second sale, bring less than the former, he shall be liable to pay to the defendant in full the loss which he sustains thereby, to be recovered as in and by the next section.

Be it further enacted, That when the terms of the sale have been complied with by the bidder, the sheriff shall proceed to sell the property again, on the same day, if there be sufficient property to satisfy the debt; and if not, he shall re-advertise the same for the next succeeding day of sale.

Be it further enacted, That, upon the day of sale, the sheriff shall choose one, and the defendant another, appraiser, or appraisers, being duly sworn by the sheriff, shall proceed to appraise the property levied on at its fair cash value; and, in case said appraisers shall not be able to agree, they shall choose an umpire, or umpires, being duly sworn in like manner, shall proceed to determine the value of the property; but if either party fail to attend or make his appearance in person or by agent, it shall be the duty of the sheriff to appoint an appraiser, or appraisers, for the absentee, or absentees. The appraisement shall be reduced to writing, and signed by the appraisers, or a majority of them: the sheriff, or his clerk, shall then proceed to offer the property so levied on for sale, for cash, to the highest bidder, for cash; and if the highest bid does not amount to two-thirds of the valuation made by the appraisers, there shall be no sale: provided, that if the property so levied on and appraised, be personal property or real estate, the defendant shall give bond, as specified in the seventh section of this act, conditioned, for the delivery of the property to the sheriff, or other officer, whenever thereto required; and that the sheriff, in the mean time, remove said property out of the precinct in which said levy is made.

Sec. 18. Be it further enacted, That when any defendant fail, or refuse, to give bond, as hereinbefore provided, or property levied upon shall be clearly of a wasting or perishing nature, and likely to be destroyed by keeping, it shall be the duty of the Chief Justice of the county in which such levy is made, on the application of the sheriff, or either of the parties, to issue an order, on the affidavit of some credible person, to order such property to be sold, after due notice, on a credit of nine months, for which it will bring—the purchaser being required to give good security, for the purchase money, payable to the plaintiff, which bond shall be returned by the sheriff, or other officer, to the clerk's office of the court from which the execution issues, and shall have the force and effect of a judgment; and on the maturity of such bond, it shall not be punctually paid, the clerk shall issue thereon against both the principal and security, which the clerk shall endorse that "no appraisement shall be made, and no security, of any kind, shall be taken;" and the sheriff, or other officer, by virtue of such execution, shall proceed to sell sufficient property to pay the amount thereof, without appraisement.

Sec. 19. Be it further enacted, That in case there shall be no sale of property taken in execution, as contemplated in the first section of this act, it shall be lawful for the sheriff, or other officer, after the expiration of three months, to proceed to a second levy upon such property as the defendant may have, to him, not being the same levied upon in the first instance; and in case the property so levied upon in the second instance shall not bring two-thirds of its appraised value, then it shall be lawful for the sheriff, or other officer, after the expiration of three months from the last sale-day, for the plaintiff in execution, his agent or attorney, to designate such property, of the defendant, as he may think proper, to be levied on; and if the property so pointed out shall bring its full appraised value, there shall be no sale; and it shall not be lawful for the sheriff, or other officer, to levy the execution, upon any property of the defendant, for the next twelve months thereafter, after which time the plaintiff may point out property to be sold under the provisions aforesaid, and as provided, in cases of property pointed out by plaintiff: provided, that on each levy and sale of property pointed out by the plaintiff, the sheriff shall be at his own expense.

Sec. 20. Be it further enacted, That the provisions of this act shall apply to all sales under execution, whether by sheriffs, or constables, except sales for public dues, which shall be positive without appraisement.

Be it further enacted, That the provisions of the seventeenth, and nineteenth sections of this act shall apply to debts, and other legal liabilities, contracted and incurred to the first day of March next; and that all sales by execution issued on judgments founded on debts, and liabilities, contracted and incurred after the first day of March next, shall be made for cash, without appraisement; and any other officer, issuing any execution, shall endorse thereon whether the sale shall be made with or without appraisement.

Be it further enacted, That when a sale has been made, in pursuance thereof complied with, the sheriff, coroner, or constable, shall execute and deliver to the purchaser, a conveyance in writing, of right, title, interest, and claim, which the defendant in execution had in, and to, the property sold.

Be it further enacted, That if any sheriff, or other officer, shall fail to make return of any execution received by him, or shall fail to make return at the place, the same shall be made returnable, and at the place, the same shall be made returnable, and if he neglect or fail to make a levy, when in his power so to do, or hereto required by the plaintiff, or shall fail to advertise for sale, as required by law, any property levied on by execution, he shall be liable to pay to the plaintiff in execution, the full amount of the debt, interest and costs, to be recovered against such officer, and his sureties, by motion, in any court of competent jurisdiction thereof, by giving three days' notice of such motion.

Be it further enacted, That an act entitled an act to amend certain parts or portions of an act, entitled "An Act Relating to Executions," approved twenty-second December, one thousand eight hundred and forty, be, and the same are hereby amended, so that the same shall read as follows: Be it enacted, that nothing in this act contained shall affect any act heretofore passed, exempting property from execution.

27th January, 1842.

AN ACT

For the relief of persons who are in arrears for Taxes

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the period for the payment of taxes for the year one thousand eight hundred and forty-one, be, and the same is hereby extended to the first day of May, one thousand eight hundred and forty-two; and the Secretary of the Treasury be, and he is hereby, authorized and required to notify the sheriffs and tax collectors of the several counties of this Republic of the same.

Sec. 2. Be it further enacted, That all persons who have incurred the penalty of double tax for the year one thousand eight hundred and forty-one, be, and they are hereby, declared exempt from said penalty.

Sec. 3. Be it further enacted, That the sheriffs and collectors of this Republic be, and they are hereby, authorized to receive from the citizens thereof, who may be in arrears for taxes heretofore assessed, the amount in promissory notes or bills of the Government as heretofore, or one-sixth of the amount of their respective assessed taxes in gold, silver or exchequer bills, in full payment and discharge of the whole amount of said taxes.

Sec. 4. Be it further enacted, That it shall be the duty of the sheriffs and collectors aforesaid, whenever they shall receive gold, or silver, or exchequer bills, in payment of taxes heretofore assessed, to specify the same in their receipts to the individuals paying the same, and to pay into the Treasury of the Republic the funds so received; and any sheriff or collector offending against the provisions of this act, shall be liable to forfeit and pay one hundred dollars, by information and conviction thereon before a district court—one-half to the informer, and the other half to the Republic.

Sec. 5. Be it further enacted, That this act take effect from and after its passage.

Passed 28th January, 1842.

AN ACT

To change the name of Navasoto County.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the district or county before known as the county of Navasoto be known and called by the name of Brazos.

Be it further enacted, That nothing in this act shall be construed as to prejudice any judicial proceedings heretofore pending in the said county of Navasoto, or which may be commenced in said county, until this act shall be generally propagated to the people of said county.

Be it further enacted, That this act shall take effect after its passage.

January 28th, 1842.

JOINT RESOLUTION

To authorize the President to appoint such person as he may deem proper to sign his name to the Exchequer Bills.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be authorized to appoint such person to sign the exchequer bills as he may deem proper, who shall receive compensation one-half cent per signature, in addition to the amount allowed by a previous act of this Congress.

Be it further resolved, That this Joint Resolution take effect after its passage.

January 28th, 1842.

JOINT RESOLUTION

For the protection of the Southern Frontier.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and he is hereby, authorized to organize one company of mounted men, to act as rangers, on the southern frontier, on such terms as he may deem most beneficial to the public interest.

Approved, 29th January 1842.

 AN ACT

To lay out and organize the County of La Baca.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That that portion of the counties of Colorado, Fayette, Gonzales, Tarrant, and Jackson, comprehended within the following limits, to-wit:—Beginning at the south-east side of the Navidad river, in Colorado county; running thence, in a direct line, to the north-east corner of J. G. O'Farrell's league on the Navidad, in Colorado and Fayette counties, which direct line bears about twenty-six degrees west, from the place of beginning; thence, to the north-east corner of said O'Farrell's league, west, to the southeast corner of Fayette county; thence, along said line, until it intersects the West Navidad, on the Sandefer survey, near the place of Thomas Chaudoin; thence, in a direct line, to the north-east corner of W. Fitzgerald's survey, at the head of the La Baca; thence, west, to the north-east corner of survey number thirty, classed as section ten, lying on one [of] the eastern branches of Peach Creek, in Gonzales county; thence, due south, ten miles; thence, south twenty-nine degrees east, twenty-nine miles; thence, north sixty-four degrees east, thirty-one miles; thence, north twenty-six degrees west, five and one-quarter miles, to the place of beginning, be, and the same line, hereby, constituted a county for judicial and all other purposes, and the privileges enjoyed by the several counties of this Republic, and that of separate representation in Congress, which shall be the same as heretofore.

Be it further enacted, That the above described territory be known and styled by the name of "La Baca;" and Ponton, Richard Veal, James Brown, John Smithers, and Chaudoin, are appointed commissioners to select two sites for the county seat of said county of La Baca, and submit the same to the legal voters of said county, at public meeting, at such time and place as said commissioners may appoint; and the place thus chosen, by a majority of legal voters at said election, shall be the county seat of said county, and shall be styled "La Baca;" and the above-named commissioners shall have the power to purchase, or receive by donation, any quantity of land, not exceeding six hundred and forty acres, as will be to the interest of said county in erecting public buildings, and such other expenses incident to the same; and a majority of said Board of Commissioners shall have power to fill all vacancies which may occur in said Board, until otherwise provided for by law.

Be it further enacted, That the county of "La Baca" be organized, and to, and form part of the fourth judicial district of this State, and all causes now pending in either of the counties out of which the county of "La Baca" is formed, in which the defendant resides in said county of La Baca, shall be transferred to said district for trial and adjudication.

Be it further enacted, That the first Monday in February, after the passage of this act, be appointed and set apart for the election of a chief justice, sheriff, clerk of the district court, judge of the county court, coroner, and county surveyor, for said county of "La Baca;" which said election shall be conducted under the supervision and attendance of any two justices of the peace, at present in office in said county, within the limits of said county, in conjunction with the freeholders, who shall make return of the same to the clerk of said court, within ten days after said election.

Be it further enacted, That the times of holding the county courts for said county, shall be on the second Monday of January, April, July, and October, of each year, until otherwise altered by law.

Be it further enacted, That the times of holding the county courts in and for said county, shall be on the first Monday of January, April, July, and October, of each and every year, until otherwise altered by law.

Be it further enacted, That this act take effect from and after its passage.

Witness my hand and seal, this 29th day of January, 1842.

AN ACT

Authorizing the President to perform certain duties to be named.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the President be and he is authorized and requested to place in the hands of George S. McIntosh, nine thousand six hundred acres of land scrip, which said McIntosh is hereby authorized to sell, and use the proceeds thereof, accounting to the Government therefor; and this act take effect from and after its passage.

Approved 29th January, 1842.

AN ACT

To alter a part of the Southern Boundary Line of the county of Washington, and part of the Northern Boundary Line of the county of Austin.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the southern boundary line of the county of Washington (which is also, the northern boundary line of the county of Austin) be and the same is hereby, altered so as to run from the south-west source of Caney Creek, in a direct line, to the residence of Stephen Williams, including said Williams in the county of Washington; thence, in a direct line, to the present residence of Robert Williams, including him, also, in the county of Washington; thence, in a direct line, to the south-east corner of the league of land granted to Harmon Hensley; thence, running as heretofore.

Sec. 2. Be it further enacted, That this act shall be in force from and after its passage.

Approved 29th January, 1842.

AN ACT

To incorporate the San Luis Bridge Company.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That George Mekin and James R. Jennings, their present and future heirs, and their successors or assigns, are hereby incorporated under the name and style of the "San Luis Bridge Company," with all the privileges granted to chartered companies.

Be it further enacted, That this company shall have the right to make bridges from the Island of San Luis to the main land or islands in the vicinity of said island of San Luis, and may own and make use of a steam-boat, or horse-boat, or other conveyance between the islands of Galveston and San Luis.

Be it further enacted, That the capital stock of said company shall be twenty thousand dollars, to be divided into two hundred shares of one hundred dollars each.

Be it further enacted, That the tolls for passing said bridges shall not exceed the rates of ferriage as, at present, established by the county court of Brazoria.

Be it further enacted, That the county in which said bridges are constructed, at any time, shall have the right to purchase the same at cost, on paying interest for the capital at five per cent per annum.

Be it further enacted, That this act take effect from the date of its passage.

Approved 29th January, 1842.

JOINT RESOLUTION

That the manner in which the Liabilities of the Government shall be destroyed.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a joint committee of the Senate and House of Representatives, to consist of two of the first and three of the latter, shall be

appointed, whose duty it shall be, on Saturday the twenty-first day of January, or earlier if practicable, to call on the Secretary of the Treasury, and receive, from him, each and every item of the liabilities of the Government, except exchequer bills, file, or cancelled, or in blanks, in said department, (which be the private property,) be the same the promissory notes, stamped eight or ten per cent. bonds or notes, or treasury warrants, drafts, change bills, and the same set fire to, burn up, and wholly destroy.

Sec. 2. Be it further resolved, That, on the first day of January, and every month thereafter, it shall be the duty of the Secretary of the Treasury to appoint three commissioners, whose duty shall be, in the same manner, to receive all liabilities of the Government above-enumerated, and to burn up and destroy the same, as is prescribed in the foregoing section.

Sec. 3. Be it further resolved, That it shall be the duty of the committee aforesaid, and said commissioners, to take and keep a correct account of the gross amount of each and every kind of property consumed, in conformity to the above resolutions, and have the same published.

Sec. 4. Be it further resolved, That this Joint Resolution shall have effect from and after its passage.

Approved 29th January, 1842.

AN ACT

To lay out and organize the County of Guadalupe.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all that portion of the counties of Gonzales, Bexar, and Comanche, comprehended within the following limits, to wit:—Beginning at the mouth of Nash's Creek, where the same empties into the Guadalupe river in Gonzales county; running thence, north ten degrees east, eighteen miles; thence, a true line to a point on the road leading from San Antonio de Bexar to Nacogdoches, six miles eastwardly of the river San Marcos; thence, due north to the Rio Blanco; thence, up the Rio Blanco, with its meanders, to its source; thence, a true line, to the Pinta Crossing

river; thence down the Guadalupe, to a point from the running south 45° west will strike the Cibolo at the the San Antonio and Nacogdoches road; thence, down with its meanders, to the road leading from Gonzales tonio; thence, with said road, to a point due south of f beginning; thence, a true line, due north to the place ng, be, and the same is hereby, constituted a county for d all other purposes and privileges enjoyed by the sev- es of this Republic, except that of separate representa- gress, which shall be regulated as heretofore.

Be it further enacted, That the town of Seguin, on the river, shall be the seat of justice for said county, until altered by law.

Be it further enacted, That the county so created, as shall be styled "Guadalupe County," and shall be at- the fourth judicial district of this Republic; and all r depending in either of the counties of which said rmed, the defendants of which reside in said county, nsferred to the same, for trial and adjudication.

Be it further enacted, That the first Monday in Febru- after the passage of this act, be appointed for the elec- chief justice, sheriff, clerk of the district court, clerk of court, coroner, and county surveyor, for said county pe; which said election, shall be conducted under the lence of any two justices of the peace then in commis- d county, in conjunction with one or more freeholders, make a return of the same to the State Department, days after said election.

Be it further enacted, That the times of holding the rts of said county, shall be on the second Mondays of pril, July, and October, of each year, until otherwise law.

Be it further enacted, That the times of holding the rts for said county shall be on the Mondays of and , of each and every year, and may r one week, until altered by law.

Be it further enacted, That this act take effect from its passage.

y a constitutional majority, 29th January, 1842.

AN ACT

To organize a part of the counties of Robertson and Milam
Judicial and other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled That all that portion of the territory of the counties of Robertson and Milam bounded and defined as follows, to wit:—Beginning on the west bank of the Brazos river, at the south-east corner of a league of land surveyed in the name of Samuel F. known on the map as league number eight, below the town of Viesca; thence south sixty degrees west, fifteen miles; thence, north thirty degrees west, thirty miles; thence, north sixty degrees west, crossing the Brazos river, thirty miles; thence, south thirty degrees east, thirty miles; thence, south sixty degrees west, fifteen miles, to the beginning, be, and the same is hereby, constituted and set apart as a separate district, or county, for judicial and other purposes and privileges enjoyed by the several counties of this Republic, except that of separate representation in Congress and the citizens included in said territory shall vote with the county of Robertson for representation in Congress.

Sec. 2. Be it further enacted, That the said district or county shall be known by the name and style of Waco, and shall be organized in conformity with law; and the chief justice of the county of Robertson shall order an election to be held in said district or county, on the second Monday of April next, for a chief justice, county surveyor, and all other county officers for said district or county; and the returns of said election shall be made to the chief justice of Robertson county, and be, by him, forwarded to the Department of State.

Sec. 3. Be it further enacted, That the county courts for said district or county, shall be held on the second Mondays of January, May, August, and November.

Sec. 4. Be it further enacted, That all suits which may be pending after the adjournment of the spring courts of one thousand eight hundred and forty-two, of Robertson and Milam counties, wherein the citizens of said territory may be a party defendant, shall be, immediately thereafter, transferred to the docket of Waco county, or district, and be there adjudicated.

Sec. 5. Be it further enacted, That said county or district shall be attached to, and form a part of the judicial district to which

Robertson and Milam belong; and the district court
y or district shall be holden at such times as shall be

e it further enacted, That the town of Viesca, at the
Brazos, shall be the seat of justice for said district or
the land which has been heretofore reserved for said
minority of law, shall be laid off in suitable lots, a suffi-
of which shall be reserved for the use and benefit of
r county—the balance shall be sold at public auction,
needs applied to the erection of public buildings, and
ry expenses attending the establishment of said dis-
y; and Bedin Stroud, Robert H. Porter, John Marlin,
ee, and James Scofield, are hereby appointed commis-
ry out the intention of this section.

e it further enacted, That this act shall take effect
r its passage.

a constitutional majority, January 29th, 1842.

AN ACT

the Corporation of the City of Houston to remove
s in the Buffalo Bayou, interfering with the naviga-
.

e it enacted by the Senate and House of Repre-
the Republic of Texas in Congress assembled,
er any steam-boat, or other craft, shall sink in the
u, above the town of Harrisburg, so as to obstruct
n, it shall be the duty of the Mayor of the city of
ppoint three good and discreet men commissioners,
l examine the condition of such boat or craft sunk,
who shall proceed, immediately on their appoint-
e an examination of such boat or craft so sunk, and
ing, their opinion—stating whether, in their opinion,
aft sunk can be, or is likely to be, raised or removed
ace of ten days after their examination; and should
nion that such boat or craft is not likely to be raised

or removed so as to open the navigation, within the space of days from the time of their examination, then, and in the Mayor and Aldermen of the city of Houston may removal of such boat or craft so sunk, in any manner deem proper, without incurring any damage or penalty same.

Sec. 2. Be it further enacted, That said corporation of Houston is hereby given full power and authority to take steps to preserve and improve the navigation of the said Bayou, above the town of Harrisburg, as they may think and, for that purpose, they are authorized to levy and tax on all steam-boats and other craft running said bayou for the purpose of improving the navigation thereof: provided that the same shall not exceed two and a half cents per tonnage upon each vessel, steam-boat, or water craft.

Sec. 3. Be it further enacted, That this act take effect from and after its passage.

Approved 29th January, 1842.

AN ACT

To organize a part of the counties of Jefferson and Jasper for judicial and other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, all that portion of the counties of Jefferson and Jasper included within the following limits, to-wit:—Beginning at the Sabine Lake, at the mouth of the Neches river, and running from thence up said river, with its meanders, to the upper corner of Lucretia Brown's league; thence, along the upper line, to the north-east corner; thence, on a direct line to the north-west corner of Robert Goodwin's league; thence, along the north-west line, to the Sabine river; from thence, along the river, to the Sabine Lake; thence, along said lake, to the beginning, be, and the same is hereby, constituted a separate territory, for judicial and other purposes which may be enjoyed by the several counties of this Republic, except that they shall have no separate representation in Congress, which shall be as heretofore.

Be it further enacted, That the inferior or county courts shall sit in the same, on the second Mondays in February, March, and November, in each year; and the probate courts on the last Monday in every month.

Be it further enacted, That the district courts shall sit in said county, on the second Mondays in March and September, may continue in session one week.

Be it further enacted, That it is hereby made the duty of the district and county clerks of the counties of Jefferson and Jasper to forward such unfinished business which may be in either of said counties of Jefferson and Jasper counties, for or against including within the limits of the county of Neches, upon the order of the court, of costs, and consent of parties interested.

Be it further enacted, That all unfinished business which may be pending in the probate court of the counties of Jefferson and Jasper, in which the citizens of the county of Neches are parties, or of which the administrator, administratrix, or guardian of the estate of the county of Neches, shall be transmitted to the probate court of the county of Neches: provided, said parties, whether administrator, administratrix, or guardian, shall be caused to be paid, all cost or fees which may be incurred in such unfinished business.

Be it further enacted, That William D. Smith, Larkin B. Stevenson, Simeon Wise, Hilyard Durden, Robert James Wynn, be, and they are hereby, appointed commissioners to select a site for the seat of justice for said county; and the site so selected shall be the place of holding the district courts, and shall be styled the town of Madison; and the said commissioners shall have full power and authority to accept any donation, any quantity of land for the use of said county, or to purchase any quantity of land not exceeding three hundred and twenty acres, to be laid off in suitable lots, and sold by the said commissioners, or their successors in office, the proceeds of which shall be appropriated to the building of a court-house, and other public buildings as may be necessary, together with such other expenses as may be incident thereto.

Be it further enacted, That a majority of said commissioners shall constitute a quorum to do business, and shall have full authority to fill any vacancy which may occur in said Board.

Be it further enacted, That it shall be lawful for the said commissioners which may be included in that portion of Jasper County created by this act, declared to be included within the limits of the county of Neches, to vote for members of Congress for the district of Texas, any law to the contrary notwithstanding.

Sec. 9. Be it further enacted, That William B. Ellis, in case of his absence, any other acting justice of the peace in said district, is hereby authorized and required, after giving notice of the same, to hold an election for chief justice of said county court, sheriff, district clerk, county clerk, county surveyor, and all other officers to which other counties of this Republic are entitled: provided, nothing herein shall be construed so as to affect or prejudice the rights of any duly commissioned officer within the limits of said county.

Sec. 10. Be it further enacted, That this act take effect from and after its passage.

Passed by a constitutional majority, January 29th, 1842.

AN ACT

To repeal, in part, and amend the several Laws creating a General Post-Office, and regulating the same.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the following rates of postage shall hereafter be charged on all letters, newspapers, books, pamphlets, and packages, of whatever value, such as are, by the several acts to which this is an amendment, exempted, conveyed by the mails or posts of Texas, to wit: each letter composed of a single sheet of paper, and conveyed by the mails, not exceeding fifty miles, twelve and a half cents; over fifty miles, not exceeding one hundred miles, eighteen and three-fourths cents; over one hundred, and not exceeding two hundred miles, twenty-five cents; over two hundred miles, thirty-one and a half cents; all ship letters, in addition to the above rates, six and a fourth cents; on all double letters, double the above rates of postage, &c.: on each newspaper conveyed not exceeding one hundred miles, one cent; on each newspaper conveyed over one hundred miles, two cents; on all books or pamphlets, for each sheet, the same as newspaper postage; for all free letters received and distributed, the post-master shall be entitled to receive one cent each—to be charged in his quarterly returns, and not to be paid out of the postage by him received; and two cents shall be charged by the several post-masters, for all foreign letters which may

the same, by any master of a foreign vessel, within hours after their arrival.

Be it further enacted, That the Secretary of State be and required, to establish a post-office at the town of and that the citizens thereof, be authorized to convey weekly mail between the said town of Liverpool and the Boston; and that the post-master so appointed, be govern- laws, rules and regulations governing the Post-Office

Be it further enacted, That all postages shall be received in silver, or exchequer bills authorized to be issued by act of Congress.

Be it further enacted, That this act shall take effect after the thirty-first day of March next.

Be it further enacted, That all laws, and parts of laws, and the provisions of this act be, and the same are hereby

1st February, 1842.

AN ACT

entitled "An Act to authorize the Judges of the District Courts to alternate in holding the Courts, and for transferring business from the Court in which the Judge may be interested."

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That any of the district courts are hereby authorized to hold sessions in any other district than their own, by arrangement with the judges thereof; and all judgments or proceedings before such courts shall be as good in law and equity, as if the court was held in the district.

Be it further enacted, That this act shall take effect after its passage.

1st February, 1842.

AN ACT

To authorize the Secretary of State to employ an assistant Clerk.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of State be, and he is hereby, authorized to employ one additional assistant clerk, to be employed in said Department of the Post-Office Bureau, whose salary shall be the same as the other assistant clerks, as now provided by law.

Sec. 2. Be it further enacted, That the Secretary of State be, and he is hereby, authorized to employ one additional assistant clerk.

Sec. 3. Be it further enacted, That this act take effect after its passage.

Approved 1st February, 1842.

AN ACT

To incorporate the Town of Refugio.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the citizens of the town of Refugio, known as the Mission of Refugio, be, and they are hereby, declared a body politic and corporate by the name and title of the "Town of Refugio;" and they, by their name, may sue and be sued, plead and be impleaded; and dispose of real and personal estate in said town.

Sec. 2. Be it further enacted, That the provisions of the charter of the town of Victoria shall extend to the town of Refugio, and that the chief justice of Refugio county shall perform the same duties as are required of the chief justice of Victoria under the provisions of the aforesaid charter.

Be it further enacted, That the Commissioner of the Land-Office be authorized, and required, to issue to the Aldermen, and their successors in office, of the afore-
said Refugio, a patent for the four leagues of land known
as the Mission of Refugio, and on which said town

1st February, 1842.

AN ACT

to incorporate the San Augustine Light-Horse Company.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Leonard
Captain; Sandford Holeman, First Lieutenant; and
Second Lieutenant; and their associates and suc-
cessors, and they are hereby, constituted a body politic and
under the name and style of the "San Augustine Light-
Horse Company," with the same powers and privileges as are con-
ferred by an act of Congress incorporating the "Milam Guards" of
Houston, approved February 5th, 1840.

Be it further enacted, That Daniel Weeks, Captain, and
his associates, of Nacogdoches county, and their successors, be
authorized, in like manner, for said purposes, with all the privi-
leges contemplated by said act.

Be it further enacted, That this act shall take effect
after its passage.

1st February, 1842.

AN ACT

to divide and organize a part of the County of Nacogdoches for
Judicial and other purposes.

Be it enacted by the Senate and House of Repre-
sentatives of the Republic of Texas in Congress assembled,
That a portion of the county of Nacogdoches comprehended
within the following limits, to wit:—Beginning at a point due

north, and sixteen miles from Nacogdoches; thence, due north to the Attoyac Creek; thence, due west, (retracing the line) thirty miles; thence due north to the Sabine river; thence, west to the Sabine, to the crossing of Trammel's Trace; thence, west to Trammel's Trace, south and west, to where said Trace crosses the boundary line of J. M'Adams' league; thence, due south to Attoyac; thence, with the meanders of the Attoyac, to the point from said creek, be, and the same is hereby, confirmed, county for judicial and all other purposes and privileges, by the several counties of this Republic, except that of representation in Congress, which shall be regulated as heretofore.

Sec. 2. Be it further enacted, That the above-described territory shall be known and styled by the name of Smith; the first Monday in March next is hereby set apart for the election of five commissioners to select a site for the county seat of said county; and the place selected by said commissioners shall be the county seat of said county, and shall be styled Kalamazoo; and all voters qualified to vote for members of Congress shall be entitled to vote for said commissioners: provided, the said commissioners shall select the said county seat within five miles from the centre of said county.

Sec. 3. Be it further enacted, That the commissioners shall have the right to purchase, or receive by donation, any quantity of land not exceeding six hundred and forty acres, as may be necessary to the interest of said county, in erecting public buildings, and other expenses as are incident to the same; and a majority of the Board of Commissioners shall have power to fill all vacancies that may occur in said Board, until otherwise provided by law.

Sec. 4. Be it further enacted, That the county of Smith shall be attached to, and form a part of the fifth judicial district of this Republic; and all causes now pending in the county out of said judicial district or county is formed, in which the defendants reside in said county, shall be transferred to said county for trial or adjudication.

Sec. 5. Be it further enacted, That the first Monday in March next, after the passage of this act, be appointed for the election of a chief justice, sheriff, clerk of the county court, clerk of the county court, coroner, and county surveyor, for said judicial district or county; which said election shall be conducted under the superintendence of any two justices of the peace, at present in commission, within the limits of said county, in conjunction with one or more freeholders, w

rn of the same to the State Department, within ten days election.

Be it further enacted, That the election of the five ners provided for in section second, shall also be conder the superintendence of any two justices of the peace, tion with one or more freeholders; and the certificates ection shall be deposited with the chief justice of said istrict or county.

Be it further enacted, That the chief justice elect, of al district or county, is hereby authorized and empowered aid capacity, under the authority of certificates of elec- such time as his commission shall have been forwarded State Department.

Be it further enacted, That the times of holding the county courts for said county, shall be on the fourth of April, July, and October, of each year, until other- d by law.

Be it further enacted, That the time of holding the urts in and for said county, shall be on the third Mon- the time fixed for holding the district court in Houston each and every year, until otherwise altered by law.

Be it further enacted, That this act take effect from its passage.
by a constitutional majority, 1st February, 1842.

AN ACT

itled "An Act to organize the county of De Witt for Judicial purposes.

Be it enacted by the Senate and House of Repre- of the Republic of Texas in Congress assembled, hat portion of the counties of Gonzales, Victoria, and mprised within the following limits, to wit:—Begin- e corner of a quarter of a league of land granted to oy, on the north-east bank of the Guadalupe river; a direction north seventy-five degrees east, to La Baca e; thence, with said line of La Baca county, down, the same direction until a line, running south seventy- es west, will cross the Guadalupe river at the lower

corner of a league of land deeded to Luciano Navaro, ne Creek; thence, continuing the same course, to the Cole thence, up said creek, with its meanders, to the fork of branch; thence, north fifteen degrees west, to a point, line running north seventy-five degrees east, will intersect Guadalupe opposite the beginning corner, be, and the hereby, constituted a separate district for judicial and purposes, with the like privileges enjoyed by the inhabitants of several counties of this Republic, except that of separate representation in Congress, which shall be regulated as heretofore.

Sec. 2. Be it further enacted, That the above-described district or territory shall be known and styled by the name of county of "De Witt;" and Daniel B. Friar, Ralph Campbell, Lawrence, James T. Wood, Ben. M. Craig, and James L. or a majority of them, are hereby appointed commissioners to select a site for the seat of justice of said county; and shall be authorized to receive, by donation or purchase, not exceeding one hundred and forty acres of land, to be laid out in lots, and in such manner as may be most beneficial to the county, the proceeds of which shall be applied to the erection of public buildings.

Sec. 3. Be it further enacted, That the said commissioners, a majority of them, shall hold an election at the election in said county, on the first Monday of March next, for a justice of the peace, and all other officers for county purposes, who shall be commissioned, and hold their offices, as is required by the laws in force; the returns of the election to be made by the aforementioned commissioners, to the Secretary of State.

Sec. 4. Be it further enacted. That the seat of justice of said county shall be known and styled as the town of "Cuero;" and the county courts shall be held therein for said county, on the first Mondays in January, April, July, and October; and the said town shall constitute a part of the fourth judicial district.

Sec. 5. Be it further enacted, That all suits or actions now or may be pending in the counties of Gonzales and Victoria at the adjournment of the spring [term] of the district court in the citizens of said county of "De Witt" may be participants, shall be forthwith transferred to the clerk of the district court of De Witt county, to be, by him, filed for final adjudication.

Sec. 6. Be it further enacted, That this act shall take effect and be in force, from and after its passage.

Passed by a constitutional majority, February 2d, 1842.

AN ACT

the counties of Montgomery and Houston, and create counties of Madison and Hamilton, for Judicial and other purposes.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all that part of Montgomery county bounded as follows, to wit:—Beginning on the San Jacinto, where the line of Harris county crosses the same; thence, eastward, with the line of said county, to the Trinity county; thence, northward, with the line of said county, to the north-west corner thereof; thence, westward, to the north-east corner of a league of land granted to John Shannon, on the San Jacinto; thence, down the San Jacinto, to the place of beginning, shall constitute a new county, to be called the county of Madison.

Be it further enacted, That all that territory within the bounds, to wit:—Beginning on the Trinity river, at a point where a line running eastward, parallel with the present boundary line of Houston county, will leave the town of Houston in the centre, north and south, of the said county of Houston; thence, northward, to White Rock Creek; thence, southward, so as to strike the line of said county, dividing the counties of Houston and Trinity fifteen miles from the Trinity river; thence, westward, with the line of Trinity county, to the north-west corner of said county; thence, a direct line, with the line of Madison county, to the north-east corner of a league of land granted to John Shannon, on the San Jacinto; thence, up the San Jacinto, to the first forks above the mouth of the San Jacinto; thence, a direct line, heading from Cincinnati to Washington; thence, a direct line, following the general course of the San Jacinto, to the South Fork of the San Jacinto; thence, a direct line, to Robbin's Ferry; thence, down the Trinity river, to the place of beginning, constitute a new county, to be called the county of Hamilton.

Be it further enacted, That all the residue of the county of Montgomery, under the name of Montgomery county; and that all officers, civil and military, within the same, hold their respective offices, in the same manner as though no division of said county, as provided in this act, had been made.

Be it further enacted, That the said counties of Madison and Hamilton shall be organized in conformity with an

act passed the twentieth day of December, one thousand eight hundred and thirty-six, organizing the county courts, and defining the powers and jurisdiction of the same, in all respects, except of separate representation in Congress, which shall remain as tofore.

Sec. 5. Be it further enacted, That the county courts of said counties of Madison and Hamilton, be required to appoint some competent and proper persons to run and mark surveys of their respective counties as are not defined by natural, known boundaries; and that they be authorized to pay the same, out of the county treasury.

Sec. 6. Be it further enacted, That the town of Cincinnati and the same is hereby, declared the permanent seat of justice of Hamilton county.

Sec. 7. Be it further enacted, That E. D. Johnson, of the county of Madison, and Isaac Toucy, of the county of Hamilton, and they are hereby, appointed to hold an election in the several company beats in their respective counties, as early as practicable after giving lawful notice of such election, for the purpose of electing a chief justice, clerk of the district and county courts, sheriff and coroner for each of the said counties; and, also, justices of the peace, and one constable, in each company beat of said several counties of Madison and Hamilton, and certify the result of such elections to the Secretary of State for their records and commissions.

Sec. 8. Be it further enacted, That the chief justice, and justices of the peace, of each of the said counties of Montgomery, Madison, and Hamilton, constitute a Board of Commissioners (a majority concurring) to locate the county seats of justice of their respective counties; and they are hereby authorized and empowered to obtain, by purchase or otherwise, such quantity of land as they may deem necessary for county purposes, not to exceed one hundred and sixty acres; to lay off and sell the same in such manner, and on such terms, as they shall think proper, and to apply the proceeds thereof to the erection of a suitable court-house, jail, and other public buildings, as they shall find necessary.

Sec. 9. Be it further enacted, That the county of Madison shall pertain to the first judicial district; and that the district courts thereof, shall be holden on the fifth Mondays after the first days of March and September in each year, and may continue in session one week, and no longer; and the county courts shall be holden on the third Mondays of February, May, August and November.

Sec. 10. Be it further enacted, That the county of Hamilton

in to the first judicial district; and that the district courts shall be holden on the sixth Mondays after first Mondays of September in each year, and may continue in session and no longer; and the county courts shall be holden on Mondays of February, May, August and September.

Be it further enacted, That this act shall take effect after its passage.

by a constitutional majority, February 2d, 1842.

AN ACT

Establishing the Pay of Officers of the Texas Navy.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, that after the passage of this act, the pay of a captain shall be one hundred dollars per month; of a commander, sixty dollars per month; of lieutenant commanding, fifty dollars per month; of lieutenants, forty dollars per month; of surgeons, fifty dollars per month; of assistant surgeon, forty dollars per month; of midshipman, eighteen dollars per month; of warrant officers, twenty dollars per month; of a first lieutenant, thirty dollars per month; of clerks, twenty dollars per month.

Be it further enacted, That all officers, seamen, and marines shall be allowed one ration while on duty; and on leave of absence, no rations, with one-half the pay they receive when on duty, corresponding to their respective ranks—no leave of absence to be granted for a longer period than three months, without a suspension of all pay.

Approved February 3d, 1842.

AN ACT

To alter and provide for the time and place of holding the Supreme Court.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the next annual session of the Supreme Court of public shall commence and be holden at the town of Washington in the county of Washington, on the second Monday of eighteen hundred and forty-three; and said session shall continue until the business of the court is disposed of.

Sec. 2. Be it further enacted, That the Supreme Court shall and after the session of eighteen hundred and forty-two, be held annually, at the place mentioned in the preceding section, on the second Monday of June in each year, until otherwise directed by law.

Sec. 3. Be it further enacted, That all causes pending in the court, after the conclusion of its session for the current year, together with the records of the same, be removed to the place mentioned in the first section of this act; and the clerk of said court is hereby required to remove the same, and shall receive, in compensation therefor, such sum as a majority of the judges of the court shall adjudge to be just—to be paid by the Republic of Texas.

Sec. 4. Be it further enacted, That the clerk of said court be hereby authorized to contract for the use of a court-house for the clerk's office.

Sec. 5. Be it further enacted, That all laws, and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed; and that this act take effect from and after its passage.

Approved 3d February, 1842.

AN ACT

appropriations for the support of the Government for the year one thousand eight hundred and forty-two.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, following sums be, and they are hereby, appropriated for the year one thousand eight hundred and forty-two,

salary of the President of the Republic, five thousand

salary of the Vice-President, one thousand dollars.

salary of the Secretary of State, one thousand five hundred dollars.

salary of the Secretary of the Treasury, one thousand five hundred dollars.

salary of the Secretary of War and Navy, one thousand five hundred dollars.

salary of the Attorney-General, one thousand dollars.

salary of the Commissioner of the General Land-Office, one thousand and five hundred dollars.

salary of the Treasurer, one thousand dollars.

salary of the Comptroller, one thousand dollars.

salary of the Auditor, one thousand dollars.

salary of the Captain of Ordnance, six hundred dollars.

salary of the Draftsman of the General Land-Office, five hundred dollars.

salary of eight chief clerks, at six hundred dollars each, four hundred eighty dollars.

salary of one chief clerk of the Post-Office Department, six hundred dollars.

salary of fourteen assistant clerks of the various departments, at five hundred and fifty dollars each, seven thousand three hundred dollars.

salary of Armorer, at forty dollars per month, four hundred eighty dollars.

salary of four laborers at the Arsenal, at twenty-five dollars per month, one thousand two hundred dollars.

salary of Chief Justice and six associate judges of the

Supreme Court, at seventeen hundred and fifty dollars each, to be paid in cash, or by treasury notes, or by bank notes, or by gold and silver, or by any other mode, at the discretion of the Legislature, not exceeding two hundred and fifty dollars.

For salary of one associate judge, seventeen hundred and fifty dollars.

For salary of the Clerk of the Supreme Court, five hundred dollars.

For pay of extra clerks of the Land-Office, five hundred dollars.

For the pay of members of the Senate and House of Representatives of the sixth Congress, twenty-eight thousand dollars, in the form of chequer bills—to be divided at the rate of five dollars per diem each, as part of their per diem pay; and the Auditor be, and he is hereby, authorized and required to audit the balance of the accounts of each member, at the rate of three dollars per diem.

For the mileage of members of the Senate and House of Representatives of the sixth Congress, nine thousand dollars, in the form of chequer bills—to be divided at the rate of five dollars for each twenty-five miles of travel, in going to, and returning from the seat of government, as a part of their mileage; and that the Auditor be required to audit the further sum of three dollars for each twenty-five miles travel, in going to, and returning from, the seat of government, as the balance of their mileage: provided, that no member who has received a part of their pay in the form of treasury notes, shall have the same rated and allowed to them at the rate of six for one.

For printing to the Senate and House of Representatives, of the laws and journals of the sixth Congress, six thousand and five hundred and fifty dollars.

For pay of Chief Clerk, and three other clerks, of the House of Representatives of the sixth Congress, two thousand two hundred and thirty-two dollars, at six dollars per diem.

For salary of Chief Clerk of the House of Representatives, five hundred and fifty dollars.

For pay of the Secretary, and three clerks, to the Senate of the sixth Congress, two thousand two hundred and thirty-two dollars, at six dollars per diem.

For pay to Reporter to the House of Representatives, two thousand and forty dollars.

For pay of Door-Keeper, and Sergeant-at-Arms, of the Senate and House of Representatives of the sixth Congress, two thousand two hundred and thirty-two dollars, at six dollars per diem.

For contingent expenses of Executive Department, three thousand dollars.

For Private Secretary of the President, six hundred dollars.

ingent expenses for signing exchequer bills, four hundred and fifty dollars.

ingent expenses of State Department, sixteen hundred and eighty dollars, including the salaries of two porters for the departments.

ingent expenses of Post-Office Bureau, two hundred dollars.

able deficiencies in the Post-Office Bureau, under the act for carrying the mails, &c., five thousand dollars.

of salary due J. M. Hansford, late Judge of the seventh district, one thousand nine hundred and fifty-three dollars and fifty cents.

of salary due A. B. Shelby, late Judge of the first district, two thousand three hundred and forty-nine dollars and forty-six cents.

of salary due P. C. Jack, Judge of the sixth Judicial District, seven hundred and twenty-five dollars.

of salary due R. Morris, Judge of the first Judicial District, one hundred and fifty dollars.

of salary due W. J. Jones, twenty-seven hundred dollars, for the second Judicial District.

salaries of seven district attorneys, at two hundred and fifty dollars each, seventeen hundred and fifty dollars.

of John D. McLeod, as clerk to the committee to examine the Treasury Department, one hundred and ninety-eight dollars.

amount due mail-contractors for eighteen hundred and forty dollars; four thousand two hundred and fifty-eight dollars and eighty cents to be apportioned to each according to the amount due one-half.

ingent expenses of the Treasury Department, five hundred dollars.

ingent expenses of the War Department, five hundred dollars.

ingent expenses of Ordnance Department, five hundred dollars.

contingent expenses of the General Land-Office, including expenses for sketches, and other data, to be furnished county surveyors for running county lines for county maps, for the purchase of four thousand dollars; to purchase of patents, two thousand dollars.

ingent expenses of the sixth Congress, two thousand five hundred dollars.

ingent expenses of the Supreme Court — for the purchase of

chase of books, fuel, stationery, house-rent, pay for attending officers, &c., one thousand dollars.

For contingent expenses of the Treasurer's, Comptroller's, Auditor's, offices, two hundred dollars each, six hundred dollars.

For Chargé d'Affaires, Agents, &c., at four thousand dollars each, nine thousand dollars.

For pay of officers and seamen of the navy, and for the purchase of the navy, according to the act to fix the Navy Establishment of the Republic, approved January eighteenth, eighteen hundred and forty-one, twenty thousand dollars.

For translating and publishing the laws in the Spanish language, one thousand three hundred and ninety-five dollars and ninety cents.

For redemption of captives from the Indians, two thousand dollars.

For engraving exchequer bills, fifteen hundred dollars.

For pay for the printed bills, five hundred dollars.

For contingent expenses of the several Bureaux of the Treasury Department, four hundred dollars.

For salary due to Chief Justice Hemphill, for years one thousand eight hundred and forty, and one thousand eight hundred and forty-one, two thousand six hundred and eighty-seven dollars and fifty cents.

For salary due to R. E. B. Baylor, Judge of the third District, fifteen hundred dollars.

For salaries of assistant clerks of the General Land-Office, one hundred dollars.

For contingent expenses for two Chargé d'Affaires, at four thousand dollars each.

For the payment of two audited drafts, both amounting to one hundred and forty-two dollars, being amount of salary due to Branch T. Archer, late Secretary of War and Navy.

For William Bryan, in part payment of his account as Agent, for moneys advanced by him for the Government, one thousand dollars.

For contingent expenses of Attorney-General's Department, three hundred dollars.

For pay of the minute-men for their services for the year one thousand eight hundred and forty-one, according to the act to fix the turns, &c., nine thousand six hundred dollars.

For pay of the salary due the Judge of the fourth District, one thousand dollars.

Sec. 2. Be it further enacted, That the sum of two thousand dollars be, and the same is hereby, appropriated, and

ontrol of the President, for the purposes of frontier pro-

Be it further enacted, That the several sums herein
ed be, and the same are hereby, appropriated for the year
and eight hundred and forty-two; and that no money or
shall be drawn from the Treasury, except in conformity
act.

Be it further enacted, That the effect of all appropria-
all moneys made by any previous Congress, or heretofore
any act or joint resolution of the present Congress, be,
me are hereby, suspended until further directed by law.

Be it further enacted, That the appropriations above
n this bill, are intended to be made in the exchequer bills
vernment, or in gold and silver.

Be it further enacted, That the heads of the several de-
shall be paid quarterly; and the clerks of the several
nd departments shall be paid monthly—to be computed
first December, eighteen hundred and forty-one, or from
of their appointment.
ed 3d February, 1842.

JOINT RESOLUTION

e removal of the Custom-House, District of Aransas.

Be it resolved by the Senate and House of Representa-
ne Republic of Texas in Congress assembled, That the
of the Treasury be, and he is hereby, authorized and re-
remove the custom-house of the district of Aransas, to
as will be most convenient for the transaction of the
f that district, consistent with the safety of the revenue,
can be effected at the least expense to the Government;
ecretary of the Treasury is hereby required to appoint
petent and disinterested persons to select a permanent
or the same.
ed 3d February, 1842.

AN ACT

To regulate the time of holding the District Courts in the Third Judicial District.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the district courts of the Third Judicial District shall hereafter sit at the following times, to wit:—In the county of Travis, on the first Mondays of March and September in each year, and may continue in session two weeks; in the county of Bastrop, on the third Mondays of March and September in each year, and may continue in session one week; in the county of Fayette, on the fourth Mondays of March and September in each year, and may continue in session one week; in the county of Washington, on the first Mondays of March and September in each year, and may continue in session one week; in the county of Washington, on the fourth Mondays of March and September in each year, and may continue in session two weeks; in the county of Bexar, on the third Mondays after the fourth Mondays of March and September in each year, and may continue in session one week; in the county of Robertson, on the fourth Mondays after the fourth Mondays of March and September, and may continue in session one week; in the county of Waco, on the fifth Mondays after the fourth Mondays of March and September in each year, and may continue in session one week; in the county of Milam, on the sixth Mondays after the fourth Mondays of March and September in each year, and may continue in session one week; in the county of Gillespie, on the seventh Mondays after the fourth Mondays of March and September in each year, and may continue in session one week.

Sec. 2. Be it further enacted, That all process, heretofore issued, and to be issued, shall be returnable and triable at the terms prescribed by law, shall be returnable and triable at the terms fixed by this statute.

Sec. 3. Be it further enacted, That all laws conflicting with the provisions of this act be, and the same are hereby, repealed. This act shall take effect from and after its passage.

Approved 3d February, 1842.

AN ACT

g the Appointment and Duties of Pilots at the Port of Galveston.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the port of Galveston, for the time being, shall, and be authorized to appoint (after due examination of each touching his qualifications to discharge the duties thereon so appointed, bond with good security, in the sum of _____ dollars, conditioned on the faithful performance of the duties required of him, as pilot for said port; which bond made payable to the President of the Republic of Texas, his successors in office; and it shall not be lawful for any person to call or duties of pilot, unless he shall have received his appointment from said Collector, in pursuance of this

Be it further enacted, That said Collector shall have the power to suspend or dismiss any pilot, or deputy pilot, and to re-appoint by him made, whenever, upon enquiry and examination, it shall appear to the satisfaction of said Collector, that such pilot, or deputy pilot, is incompetent, or has failed to perform faithfully to perform all the duties required of him.

Be it further enacted, That each branch-pilot appointed in pursuance of this act, shall keep such boat or boats as, in the opinion of said Collector, may be required, as good and sufficient boats, and that they shall be employed exclusively for the service of the port; and the said branch-pilot may appoint two deputy pilots, whose acts he shall be responsible—subject to the examination and approval of said Collector; and any branch-pilot who shall appoint any deputy, without the approval of said Collector, shall forfeit his appointment.

Be it further enacted, That no more than two branch-pilots shall be concerned together. No pilot shall leave the bar for a longer period than twenty-four hours, without the consent of said Collector; nor shall two be absent at the same time. Any pilot or deputy pilot, who shall, while in a state of inebriety,

take charge of any vessel, shall forfeit his appointment. who shall wilfully or negligently lose any vessel, shall be dismissed; and shall, with his securities, be liable to the port for all damages that may be sustained by reason thereof.

Sec. 5. Be it further enacted, That the pilots of said port be entitled to demand and receive for their services, at the following rates, to wit:—On all vessels drawing less than eight feet water, two dollars and fifty cents per foot; on all vessels drawing eight feet and over, three dollars per foot; any pilot who shall be detained waiting on any vessel bound for sea, or any vessel may be prevented from entering the port by contrary winds, or otherwise, shall be entitled to demand and receive three dollars per day, for each day he may be detained after the first two hours; any pilot, taking charge of a vessel in distress, for the raising of anchors, spars, or rudder, shall receive such extra compensation, as, in the opinion of said Collector, the peculiar circumstances of the case may require—to be awarded, by said Collector, on the application of the parties; any pilot speaking a vessel outside the port, inward bound—or any vessel inside the bar, outward bound, for his services, shall be entitled to full pilotage, whether his services are accepted or not; any pilot speaking a vessel outside the bar, inward bound, inside the bar, shall, if his services be accepted, be entitled to half pilotage—but if his services shall not be accepted, he shall not be entitled to any pilotage; any pilot boarding a vessel more than five miles from shore, shall be entitled to twenty-five per cent more than the regular rates for off-shore pilotage. Consignees of vessels, in all cases, be liable for pilotage on vessels consigned; and no vessel shall be permitted to go to sea until all pilotage shall be paid.

Sec. 6. Be it further enacted, That any vessel, after waiting outside the bar for four hours, with a signal for a pilot flying, shall not enter said port free from any charge for pilotage whatever. Any branch-pilot, or deputy pilot, who shall be guilty of neglect of duty in not promptly boarding any vessel in need of a pilot, for the first offence, be suspended three months—and, for the second offence, shall forfeit his branch or appointment; and any pilot, or deputy pilot, who shall have forfeited his branch or appointment, for any cause whatever, shall, forever after, be ineligible to holding any appointment in either capacity.

Sec. 7. Be it further enacted, That said Collector shall have full power to hear, settle, and adjust, all differences, claims, and disputes that may arise with or between any of the pilots of said port, growing out of the exercise of their rights and duties as such pilots.

Be it further enacted, That all laws and parts of laws with the provisions of this act be, and same are hereby,

14th February, 1842.

AN ACT

the time of holding the District Courts in the Fourth Judicial District, and a portion of the Sixth.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, and after the passage of this act, the time of holding the courts in the several counties of the fourth Judicial District shall be as hereinafter expressed and declared, viz: for the county of Bexar, on the first Mondays of March and September of each year, and may continue in session for two weeks; in and for the county of Guadalupe, on the third Mondays of March and September of each year, and may continue in session for one week; in and for the county of Gonzales, on the fourth Mondays of March and September of each year, and may continue in session for one week; in and for the county of La Baca, on the first Mondays of March and September of each year, and may continue in session for one week; in and for the county of Maverick, on the second Mondays after the fourth Mondays of March and September of each year, and may continue in session for one week; in and for the county of Victoria, on the third Mondays after the fourth Mondays of March and September of each year, and may continue in session for two weeks; in and for the county of Real, on the fifth Mondays after the fourth Mondays of March and September of each year, and may continue in session for one week; in and for the county of Goliad, on the sixth Mondays after the fourth Mondays of March and September of each year, and may continue in session for one week; in and for the county of Kinney, on the seventh Mondays after the fourth Mondays of March and September of each year, and may continue in session for one week; in and for the county of De Witt, on the eighth Mondays after the fourth Mondays of March and September of each year, and may continue in session for one week;

and in and for the county of Neches, in the sixth Judicial District, on the fourth Mondays of February and August, and may adjourn from time to time in session one week.

Sec. 2. Be it further enacted, That all writs, processes, and proceedings, heretofore issued and had, or hereafter to be issued and had, shall be made returnable to the district courts of the counties of the said fourth Judicial District, to be held in pursuance of the provisions of this act; and that all parties, attorneys, and jurors are hereby required to be in attendance upon said courts at the time specified in this act.

Sec. 3. Be it further enacted, That all laws and parts of laws, militating against the provisions of this act, be, and the same are hereby, repealed.

Approved 4th February, 1842.

AN ACT

For the relief of Louis P. Cooke.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury is hereby authorized to appoint two discreet persons, whose duty it shall be to value the premises and lot, or lots, upon which Louis P. Cooke now resides in the city of Austin, payable in the promissory notes of the Government, on a credit of six, twelve, eighteen, and twenty-four months; and the said persons, so appointed, shall certify to the Secretary of the Treasury, so found and assessed, to the said Secretary of the Treasury.

Sec. 2. Be it further enacted, That it shall be lawful for the said Secretary of the Treasury, upon the receipt of the certificates of the persons so appointed to value said lot and premises, to receive the notes of the said Cooke, for the said lot, payable to the said Secretary, and issue to him the corresponding bond, as in other cases of the sale of Austin city lots.

Sec. 3. Be it further enacted, That this act take effect from and after its passage.

Approved 4th February, 1842.

JOINT RESOLUTION

relief of the Commissioner of the General Land-Office.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land-Office shall be entitled to the same that is allowed to heads of departments, any law to the contrary notwithstanding.

Passed 4th February, 1842.

AN ACT

supplementary to an act entitled "An Act defining the mode by which the Holders of Conditional Certificates shall establish the same," approved fifteenth January, eighteen hundred and forty-one, and to repeal, in part, "An Act granting Land to Emigrants," passed the fourth January, eighteen hundred and forty-

one, the phraseology of the fifteenth section of the law above referred to, is ambiguous and contradictory in its provisions, and susceptible of constructions contrary to its true intent and meaning—

Therefore, be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the boards or tribunals created by the act herein before mentioned shall have power, and it shall be their duty, to grant and issue conditional certificates, of the second and third class, to persons who have not received certificates from former boards, and to make such proof as is required by said act, that they have resided within this Republic for three years, and performed the duties required of them as citizens.

Be it further enacted, That so much of an "Act granting Land to Emigrants," passed the fourth January, eighteen hundred and forty-one, as requires the grantee to settle, and

actually reside, on the same, for the term of three years, and cultivate an amount of the same, (not less than ten acres,) a patent shall issue, be, and the same is hereby, repealed.

Sec. 3. Be it further enacted, That so much of the first section of the above-recited act as requires that an unconditional certificate shall not be issued until the expiration of two years from the date of the conditional certificate, be, and the same is hereby, repealed.

Sec. 4. Be it further enacted, That this act take effect from and after its passage.

Approved 4th February, 1842.

AN ACT

To amend an Act entitled "An Act to raise a Revenue by Taxation," approved January sixteenth, one thousand eight hundred and forty.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the first day of April, one thousand eight hundred and forty-two, the following shall be the rate of taxes on all property, capital, and other objects, hereinafter specified, together with a tax on licenses to pursue any vocation or calling hereinafter mentioned:—

On any theatre or theatrical establishment in this Republic, an annual tax of one hundred dollars.

Every person who shall exhibit, or cause to be exhibited, for emolument or pay, any museum, menagerie, wax-work, or any activity, slight of hand, or any diversion of this character, under any name whatever, shall first obtain from the clerk of the court, of each county where exhibited, a license therefor, for which he, she, or they, shall pay the sum of twenty-five dollars.

From the owner or proprietor of every public race-track, there shall be collected an annual tax of fifty dollars.

For every horse kept exclusively for racing, the sum of ten dollars.

stud horse or jack ass which may stand for the season, or which such stud, or jack, may stand by the season. Horses or mules, excepting four for each farmer, or for a free laboring man, who uses his horse in any mechanical or industrial branch of industry, ten cents per head.

Great cattle, (excepting twenty-five,) three cents per head. Pleasure carriages, under every name and denomination one-half of one per cent. ad valorem.

And every improved or unimproved lot, in any city or town, shall pay an ad valorem tax of one-fourth of one per cent. on the value of such lot, and improvements, if any there be.

Slaves under ten years of age, twenty-five cents each; and between the ages of ten and sixty years, the sum of seventy-

five cents for old watches used, or kept for use, the sum of one dollar.

For new watches used, or kept for use, the sum of fifty cents.

For clocks, the works of which are made of metal, kept for use, the sum of seventy-five cents.

For wooden clocks kept for use, the sum of twenty-five cents.

For money loaned at interest, twenty-five cents on every hundred dollars loaned.

Every merchant who sells goods, wares, and merchandize, at retail, shall pay, for each establishment, an annual license tax of one hundred dollars.

Every merchant who sells or disposes of goods and merchandize at wholesale, shall pay a license tax of fifty dollars per annum.

Every dealer of merchandize who vend wines, or spirituous liquors, etc., in quantities of a quart and over, shall pay a license tax of twenty-five dollars, in same manner as the above; and, for which, they must take out a separate and distinct license.

Every dealer of spirituous liquors, in quantities less than a quart, shall pay a license tax of one hundred dollars per annum.

For every billiard table, there shall be paid a license tax of one hundred dollars per annum.

For every nine or ten-pin alley, or any establishment of that kind, there shall be paid a license tax of fifty dollars per annum.

Every public inn or tavern, where persons are entertained and lodged, within the limits of any city or town, shall pay an annual license tax of twenty-five dollars per annum.

Each public boarding-house shall pay an annual tax of fifteen dollars.

Each keeper of a cook-shop, restaurant, or eating-house shall pay a license tax of fifteen dollars.

Each and every real estate agent or broker, ship-broker, merchandize and cotton-broker, shall severally pay a license tax of twenty-five dollars; and each money-broker shall pay a license tax of fifty dollars; and each individual or firm who shall exercise more than one of the foregoing trades or professions, shall pay a separate rate tax for each trade or profession.

Sec. 2. Be it further enacted, That the sixteenth section of the act to which this is amendatory be, and the same is hereby repealed.

Sec. 3. Be it further enacted, That the minimum value of land shall be fifty cents per acre; and, upon all lands, there shall be levied a tax of one tenth of one per cent. upon the assessed valuation, which shall be ascertained by the [oath] of the assessor giving in the land; but if the legal claimant of such land be a citizen of this Republic, there shall be levied a tax of one per cent.

Sec. 4. Be it further enacted, That all auctioneers shall pay a license tax of fifty dollars, and the further sum of five per cent. upon the amount of the commissions, with exceptions, and subject to the restrictions, and shall be subject to the condition and provisions defined in the fifteenth section of the act to which this is amendatory.

Sec. 5. Be it further enacted, That all laws, and parts of laws, requiring a double tax to be paid, be, and the same are hereby repealed—so far as relates to all taxes that may accrue, or be due, in future.

Sec. 6. Be it further enacted, That if any person shall refuse to make a correct return of taxable property which he, she, or they, may own or possess, to the assessor, previous to the first day of September, in each and every year, shall forfeit five per centum, per month, on the amount of taxes so due, which he, she, or they, may have failed to render an assessment thereon.

Sec. 7. Be it further enacted, That when any lands or tenements shall be advertised for sale, by the collector of taxes, for any taxes or other dues accruing to the Republic, and such lands or tenements cannot be sold for the want of bidders, it shall be the duty of the collector to bid off the same for the Republic, for the amount of the tax so due on said lands; and which lands shall be specially reserved to the Government, and not subject to sale, or other appropriation, until otherwise directed by

Be it further enacted, That the assessor of taxes shall be appointed as heretofore, but shall hold his office for and if any vacancy shall happen in such office, from whatever, it shall be the duty of the chief justice and assessors of the county where such vacancy may occur, to appoint, who shall hold the office until the expiration of which the person vacating the office was appointed: or, appointed by the chief justice and associate justices, unto the same bonds, and perform the same duties, as is all other assessors.

Be it further enacted, That the assessors may be removed from office on presentment and conviction of high crimes, misdemeanors, or for official malconduct.

Be it further enacted, That, the assessor shall make returns to the collector by the first of December, in each year; the collector shall make his returns to the Secretary of the State by the first of April, in each and every year.

Be it further enacted, That all taxes shall operate as a lien upon property upon which the same may be assessed; and shall be preferred to all judgments, executions, securities, or other claims whatsoever.

Be it further enacted, That, upon the failure of any person, or persons, to pay their quota of taxes, when it may be necessary, it shall not be necessary for the sheriff to take out execution against a person, or persons, but the assessor's list, in his possession, shall operate as, and have the force and effect of, an execution. He shall advertise, for sale, all property, the taxes upon which have not been paid on or before the first of December, by publishing notices, in three public places, in the county where the property is situated—one of which places shall be the county clerk's office sixty days previous to the sale; and shall sell the said property on the first Monday of March, and succeeding days, at the courthouse door, if there be one; and if not, at the place where the next county court may be held, for the taxes, costs, and charges; and any person, or persons, shall offer, at the sale, to pay the dues and charges, for less than the whole quantity of the tract of land advertised, when it shall be stricken off to the lowest bidder; and the whole parcel sold, if less than the entire tract advertised, shall be sold in a square, beginning at the beginning corner of said

Be it further enacted, That, upon said sale, said tax collector shall give a receipt to the purchaser, or purchasers, of the property, entitling them to a deed in fee simple, if the same is sold in one year, by the owner, or owners, or any other

person paying the amount of said sale, and one hundred tum thereon; and shall, also, return to the Secretary of the treasury, the land stricken off to the Republic—which, if not redeemed as before stated, shall be considered as relinquished, and as heretofore provided; and the tax-collector, or his successor, at the expiration of one year, as before provided, upon the production of the receipt given to the purchaser, or purchasers, at said sale, and, in the event said land is not redeemed as aforesaid, make, to said persons, a quit claim deed, transferring all the interest that said party had in and to said tract of land to said purchaser; which deed shall be prima facie evidence that all the requirements of the law have been complied with.

Sec. 14. Be it further enacted, That the collector of taxes be authorized to make return to the commissioners' court a list of insolvent taxables of their respective counties, showing the amount due from each, whose duty it shall be to examine the same—and, if found correct, to certify and sign the same; and it shall be the duty of the clerk, to transmit to the Treasury Department a copy of the same, certified under his hand and seal of office, to post up, in some conspicuous place in the court-house of each county, the original list; and that no allowance for interest shall be allowed to any collector, except such as shall be allowed by the court as aforesaid.

Approved 5th February, 1842.

JOINT RESOLUTION

Granting leave of absence to Judge P. C. Jack, for a certain period.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That leave of absence from the Republic be, and the same be hereby granted to the Hon. P. C. Jack for five months, during the vacancy between the spring and fall term of the courts; and provided, the said absence shall not interfere with the discharge of his official duties.

Approved 5th February, 1842.

AN ACT

tary to an Act entitled "An Act to lay out and organize
nty of La Baca," and an Act entitled "An Act to lay
organize the County of Guadalupe," and "An Act to
and organize the County of De Witt."

Be it enacted by the Senate and House of Representa-
e Republic of Texas in Congress assembled, That the
election for chief justice, sheriff, clerk of the district
of the county court, coroner, and county surveyor, for
es of La Baca and Gaudalupe, for one thousand eight
d forty-two, be, and the same is hereby, postponed until
nday in March, one thousand eight hundred and forty-
at it shall be lawful for the same to be holden on that
w to the contrary notwithstanding.

Be it further enacted, That the town of Seguin shall
e of holding the district and county courts in the coun-
alupe; the house of Mrs. Hallett shall be the place of
e district and county courts in the county of La Baca,
ocation of the county site; and that the house of D. B.
be the place of holding the district and county courts
ty of De Witt, until the location of the county site.

Be it further enacted, That the provisions of this act,
elates to fixing the time of holding elections, shall ex-
county of Burleson.

Be it further enacted, That this act take effect from
ts passage.

y a constitutional majority, Feb. 5th, 1842.

AN ACT

For the relief of the Acting Commissary-General of Subsistence, Adjutant-General, and Paymaster-General of Militia

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be, and he is hereby, authorized and required to audit the accounts of the Acting Commissary-General of Subsistence, Adjutant-General, and Paymaster-General of Militia, for services rendered this Government, under the order and direction of the War Department, for and during the year eighteen hundred and forty-one, at the rate of six for one; and said drafts receivable in payment of all taxes and dues to the Government which have heretofore accrued.

Sec. 2. Be it further enacted, That the approval of the Auditor of War to the aforesaid accounts, shall be sufficient authority for the Auditor to issue the proper drafts in favor of the claimants.

Approved 5th February, 1842.

AN ACT

Supplementary to an Act for the relief of the Commissary-General of Subsistence, Paymaster-General, and Adjutant-General, of Militia

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the act to amend an act for the relief of the Commissary-General of Subsistence, Paymaster-General, and Adjutant-General, of Militia, be, and the same are hereby, confirmed; and this act, take effect from and after the passage.

Approved 5th February, 1842.

AN ACT

ary to "An Act providing for the erection of a Peni-
and for other purposes," and "An Act to regulate the
olding Courts in the fourth, and a portion of the sixth
Districts."

Be it enacted by the Senate and House of Representa-
e Republic of Texas in Congress assembled, That so
act entitled "An Act to provide for the erection and
nt of a Penitentiary" as repeals the laws then in force,
ishment of crimes and misdemeanors, be, and the same
suspended; and the said laws for the punishment of
misdemeanors, which were in force at the date of the
the said law, providing for the erection of a peniten-
and the same are hereby, revived, and declared to be in

Be it further enacted, That an act entitled "An Act to
e time for holding the Courts in the fourth, and a por-
sixth, Judicial Districts," passed at the present session
, together with this act, shall take effect from and after
of this act.

15th February, 1842.

AN ACT

y of "An Act granting Land to Emigrants," approved
fourth, one thousand eight hundred and forty-one.

Be it enacted by the Senate and House of Represen-
the Republic of Texas in Congress assembled, That
ns of an act entitled "An Act granting Land to Emi-
proved January fourth, one thousand eight hundred
ne, so far as relates to the authority thereby given

to the President to enter into a contract with W. S. Peters and others, to introduce colonists upon certain terms there expressed, and set forth, be, and the same are hereby, extended to such other company, or companies, which may be organized for like purposes, as the President may, in his judgment, approve.

Sec. 2. Be it further enacted, That all the rights accorded to said company by the provisions of said act; and all the duties, obligations, and conditions, imposed by the same, upon the said S. Peters and his associates, be, and the same are hereby extended to such other companies as may be organized under the provisions of this act.

Sec. 3. Be it further enacted, That this act take effect from and after its passage.

Approved 5th February, 1842.

AN ACT

Supplementary to an Act entitled "An Act to abolish the Offices therein named, and to fix the Salaries of the Officers of the Civil List, and certain others therein named, and for other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be allowed to each of the clerks of the several departments of this Government, one hundred and fifty dollars annually, in addition to the salary allowed by the act to which this is a supplement; provided, the provisions of this act shall not enure to the benefit of the clerks of the custom-houses.

Sec. 2. Be it further enacted, That there be, and is hereby specially appropriated, a sufficient sum to pay the additional salaries provided for by this act.

Sec. 3. Be it further enacted, That this act take effect from and after its passage.

Approved 5th February, 1842.

AN ACT

To re-organize the Second Judicial District.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, and after the first day of June, one thousand eight hundred forty-two, the district courts of the second Judicial District shall be held as follows, viz:—Shall commence in and for the county of Brazoria, on the first Mondays in March and October, and may continue in session one week; and for the county of Fort Bend, on the third Mondays in March and October, and may continue in session one week; and for the county of Austin, on the fourth Mondays in March and October, and may continue in session one week; in and for the county of Colorado, on the first Mondays after the fourth Mondays in March and October, and may continue in session one week; in and for the county of Ward, on the second Mondays after the first Mondays in March and October, and may continue in session one week; in and for the county of Matagorda, on the third Mondays in March and October, and may continue in session till the business be disposed of.

15th February, 1842.

AN ACT

the temporary Seat of Justice of Milam County.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in the event the Supreme Court should, at their present session decide judicial counties unconstitutional, then, and in the town of Caldwell shall be the temporary seat of Milam county, until otherwise removed by a vote of the people of said county, or by subsequent legislative enactment; and that all the proceedings of the probate and county courts of said county shall be held at the same place.

courts, which have been heretofore held at the said town well, and which, otherwise, would have been legal, are legalized, and made valid.

Sec. 2. Be it further enacted, That all the records of said county of Milam, which have not yet been removed to said town well, and which are required, by law, to be kept at the County Justice, shall, forthwith, be removed to said town; and the law of the present session, providing for holding the court in the third judicial district, be so amended that the district court of the county of Milam, shall immediately follow the session of the court held in the county of Robertson.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage; and that all laws, or parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved 5th February, 1842.

AN ACT

Supplementary to an Act entitled "An Act making Appropriations for the support of Government for the year one thousand eight hundred and forty-two."

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the act to which this is supplementary, shall be in full force and take effect, from and after the passage of this act, any law to the contrary notwithstanding.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved 5th February, 1842.

JOINT RESOLUTION

Charles De Morse, late Stock Commissioner, to sign interest Warrants of certain Bonds therein named.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Charles De Morse, late Stock Commissioner, be, and he is hereby, authorized, as such Stock Commissioner, the interest warranted to twenty-five certificates of stock in the ten per cent fund, for one hundred dollars each, issued in L. Richart, on the thirteenth day of April, one thousand and forty—being numbered from twenty-five inclusive; and the same shall be as valid as though signed at the time said certificates were issued.

Be it further resolved, That this joint resolution take effect after its passage.

5th February, 1842.

JOINT RESOLUTION

During an Adjourned Session of the Supreme Court.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Supreme Court be, and they are hereby, authorized to hold an adjourned session of the Supreme Court, to be held at Austin, to commence on the first Monday of June next, for the trial of such causes as may be left undisposed of, at the adjournment of said Court.

Be it further resolved, That this joint resolution take effect after its passage.

5th February, 1842.

JOINT RESOLUTION

Fixing the Pay of the Officers of the Sixth Congress

Sec. 1. Be it Resolved, by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the clerks of the sixth Congress shall be entitled to, and receive the sum of six dollars per diem for their services; and the Reporter of the House, four dollars per diem; and the Reporter of the Senate, one hundred and fifty dollars, in full, for their respective services.

Sec. 2. Be it further resolved, That the sergeants-at-arms and door-keepers of the sixth Congress shall be entitled to, and receive the sum of six dollars per diem, for their services.

Sec. 3. Be it further resolved, That this joint resolution shall have effect from and after its passage.

Approved 5th February, 1842.

 AN ACT

To provide for the permanent location of the Seat of Justice in Paschal County.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Chief Justice of Paschal county be, and he is hereby, authorized and required to order an election on the fourth Monday next, at the usual places of holding elections in the county of Paschal, for five commissioners, for the purpose of selecting the seat of justice of said county.

Sec. 2. Be it further enacted, That the Chief Justice shall give ten days' public notice of the time, place, and manner of the election; and, upon the returns of the same being made to him, shall give certificates of election to the five persons who shall be elected.

Sec. 3. Be it further enacted, That the commissioners so elected, shall proceed to select a proper location for the permanent county seat of Paschal county.

Be it further enacted, That all persons entitled to vote
rs of Congress, shall be permitted to vote for commis-

Be it further enacted, That so much of the law creating
of Paschal as conflicts with the provisions of this act
same are hereby, repealed; and that this act shall take
and after its passage.

y a constitutional majority, February 5th, 1842.

JOINT RESOLUTION

Respecting the Steam-Ship Zavala.

Be it resolved by the Senate and House of Repre-
of the Republic of Texas in Congress assembled,
resident be, and he is hereby, authorized to order a sur-
amination of the steam-ship of war Zavala, with a view
ing her condition and value; and, upon ascertaining,
e said Zavala to be either repaired or chartered, as, in
, will most promote the public interest: provided, the
shall approve of the commander appointed for said
shall stipulate, in the charter, for the return of the
the Government at fifteen days' notice: and, further
the said Zavala shall run between New Orleans and
or ports of Texas, as a packet ship: and, further pro-
said vessel shall not be chartered to any other than
of this Republic: and, further provided, that, in case of
e party so chartering shall place in the hands of the
e Government, a policy of insurance of the value of the
ered; and give security for the safe return of said boat,
ount contracted for, in the charter party, which shall be
quarterly to the Collector of the port of Galveston.

Be it further resolved, That this joint resolution take
and after its passage.

d, 5th, February 1842.

REPUBLIC OF TEXAS
Department of State

I, the undersigned, Secretary of State of the Republic of Texas, do certify that the regular session of the sixth Congress of the Republic, adjourned on the fifth day of February, A. D. one thousand eight hundred and forty-two.

GIVEN under my hand and seal of office, at
[L. S.] of Austin, the seventh day of February, A. D. one thousand eight hundred and forty two.

ANSON JOHNSON

NOTE.—The laws, in the foregoing volume, which were returned to the President, are designated by the word "Approved," those which were returned to the State Department without his signature, and became laws by lapse of time, by the word "Passed," those which were vetoed and passed, by the words "Passed by constitutional majority."

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red, 8; time of holding courts,

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ing, 11.

title to town-tract confirm-

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at of justice of Waco coun-

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county, 8.

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justice, 81; time of holding
100.

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galized, 11; certain business transferred
to, 12.

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tain cases, legitimated, and how, 6.

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8.

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or repaired, 119.



ABSTRACT

OF

PRIVATE ACTS AND JOINT RESOLUTIONS

PASSED BY THE SIXTH CONGRESS.

A

at Resolution for the relief of K. L. Anderson," approved
y 12th, 1842—requires the Auditor to audit his claim for
receivable for government dues heretofore accrued.

act for the relief of N. B. Anderson," approved January
842—directs the Commissioner of the General Land-Office
to him a certificate for 640 acres of land, as his head-right.
at Resolution for the relief of John Appleman," approved
y 29th, 1842—directs his account to be audited for \$800,
ble for government dues heretofore accrued.

Act for the relief of Thomas H. O. S. Addicks," passed by
stitutional majority, February 5th, 1842—directs the Com-
er of the General Land-Office to issue to him a certificate
(ass) for one-third of a league of land; and, upon the return
survey, a corresponding patent.

B

at Resolution for the relief of Elijah Bennett," passed
y 7th, 1842—directs that his claim for \$140 be audited,
at the pleasure of the Government.

at Resolution for the relief of Samuel K. Blish," approved
y 11th, 1842—authorizes the Commissioner of the General
office to issue, to him, scrip for 1280 acres of land.

at Resolution for the relief of Armstead Bennett and Tho-

mas Lagow," approved January 17th, 1842—requires the to audit their claim for \$565.

"Joint Resolution for the relief of Josiah G. Beaty, and passed January 25th, 1842—directs the payment of their amounting to \$1000, in par funds, or the equivalent in promissory notes.

"Joint Resolution for the relief of Rebecca Brown, administratrix of the estate of Jeremiah Brown, deceased," passed January 2d, 1842—authorizes the property of said Brown, deceased, to be received, at valuation, in payment of debts due from her to the Government.

"An Act for the relief of Jesse Billingsly, assignee of Smithwick," passed February 5th, 1842—authorizes the Secretary of War to issue, to him, a "military land warrant" for 1280 acres of land.

C

"Joint Resolution for the relief of Joseph Cecil," approved December 21st, 1841—allows him a pension of \$25, per month—payable at the pleasure of the Government.

"Joint Resolution for the relief of Robert J. Calder, of Brazoria county," approved January 4th, 1842—requires the Secretary of War to audit his claim for \$4911—receivable for public duties performed before accrued.

"Joint Resolution for the relief of N. H. Cochrane," approved January 11th, 1842—requires the Secretary of the Treasury to issue to him \$375 in promissory notes.

"Joint Resolution for the relief of Holland Coffee," approved January 22d, 1842—provides for the issuing to him a patent for one-third of a league of land.

"Joint Resolution for the relief of Samuel Craig," approved January 22d, 1842—provides for the issuing to him a patent for a certain ten acre lot, near the city of Austin.

"Joint Resolution for the relief of Samuel Craig," approved January 24th, 1842—provides for the issuing to him a patent for a certain ten acre lot, near the city of Austin.

"Joint Resolution for the relief of J. Harris Catlin," approved January 29th, 1842—directs the Secretary of the Treasury to issue to him \$747 50, in promissory notes.

D

"Joint Resolution for the relief of Edward Daniel,"

12th, 1842 — directs the Commissioner of the General Office to issue to him a certificate for one league and labor

Resolution for the relief of M. F. De Graffenreid," approved January 29th, 1842—directs the Commissioner of the General Land-Office to issue to him six certificates for 640 acres of land

Act, to be entitled 'An Act for the relief of Augustus Douglass,' approved February 1st, 1842—directs the Commissioner of the General Land-Office to issue to him a patent for one-third of a league of land.

Resolution for the relief of John Davis," approved February 1st, 1842 — directs the Auditor to audit the account of said John Davis, for \$56 50—receivable for public services performed before accrued.

E

Resolution for the relief of Abel L. Eaves," approved February 5th, 1842 — requires the Commissioner of the General Land-Office to respect the certificate issued to George W. Glass, assignee of said Eaves, for one league and labor of land.

F

Resolution for the relief of Daniel Faris," approved December 10th, 1841—requires the Commissioner of the General Land-Office to respect, as valid, his head-right certificate for one league and labor of land.

Resolution for the honorable discharge of E. J. Felder," approved January 18th, 1842—directs the Secretary of War to give honorable discharge from the Texas volunteer service.

H

Resolution appropriating one thousand six hundred dollars for funds, or its equivalent in the promissory notes of the Government," passed December 28th, 1841—appropriates \$1600 for the payment of Messrs. Highsmith and Jones, mail-contractors. Resolution for the relief of certain persons therein named," passed January 13th, 1842—directs the Comptroller to audit the accounts of John A. Hueser, and others, for services performed under an order of the committee on Indian Affairs.

"Joint Resolution for the relief of Memucan Hunt, Commissioner to run the boundary line between the United States and Texas," approved January 18th, 1842—prescribes the manner in which his accounts for services, as commissioner, shall be settled.

"Joint Resolution concerning Captain A. C. Hinton," approved January 29th, 1842—acquits him of all charges affecting an officer, or gentleman, whilst in the naval service of the United States.

"Joint Resolution for the relief of Sarah N. Hubert," approved February 4th, 1842—requires the Treasurer, upon receiving one-half of a certain five hundred dollar bill, to pay to her agent, \$500 in promissory notes.

"Joint Resolution for the relief of Joseph M. Harris," approved February 5th, 1842—requires the Auditor to audit his claim for \$193—receivable for public dues heretofore accrued.

I

"Joint Resolution for the relief of John Ingram," approved February 4th, 1842—authorizes the Commissioner of the General Land-Office to issue to him, upon certain conditions, a certificate for 100 acres of land.

K

"Joint Resolution for the relief of H. Kloppenburg," passed January 7th, 1842—directs the payment of his account for services as an extra clerk in the Treasury Department.

"Joint Resolution for the relief of A. G. Kimbell," approved Jan. 17th, 1842—directs his claim to be audited for \$2,000 payable in par funds or its equivalent, and receivable for public land dues heretofore accrued.

L

"Joint Resolution to authorize the Commissioner of the General Land-Office to employ extra clerks," approved November 17th, 1841—authorizes the employment of four clerks, for six months, as assistants.

"Joint Resolution for the relief of Joseph Levens," approved November 17th, 1841—requires the Commissioner of the General Land-Office to issue to him an order of survey for 1280 acres of land.

Resolution for the relief of Joseph Lee," approved January 1842—provides for the issuing to him a patent for a certain the city of Austin.

Resolution for the relief of sundry persons therein mentioned approved January 29th, 1842—directs the Auditor to pay the following claims, to wit: the claim of Martin Lacy for William Perry, for \$584 50; P. O. Lumpkin, for \$30; heirs of Campbell, deceased, for \$75; Maletel Campbell, for \$16; John Grigsby, deceased, for \$175; Samuel C. Box, for Martin A. Walker, for \$46 10; Humphries Ussery, for Ann D. Miller and Crawford Grigsby, for \$30; Richard H. for \$100; Hiram Williams, for \$226; William Gragg, for Newgent for \$86; James Latimer, for \$30; John Blanton, Able Blana for \$30; H. H. Clifton, for \$378; and Richard , for \$180: all receivable for government dues heretofore

et for the relief of Willis H. Landrum," approved February 1842—authorizes the payment, at the pleasure of the Governor to him, of the sum of \$311, in par funds.

Resolution for the relief of Eliza T. Logan," approved 4th, 1842—provides for the issuing to her a patent for a t in the city of Austin.

M

Resolution for the relief of George D. McJimpsey," approved December 23d, 1841—directs the Auditor to issue to him scrip for \$621 50—receivable only for Government dues accrued.

Resolution for the relief of Jarret Menefee," passed January 1842—authorizes the payment, at the pleasure of the Governor to him of the sum of \$210.

Resolution permitting Samuel McCulloch to enter of certain deed," approved January 12th, 1842—permits execute and enter of record, a deed to perpetuate the evidence the freedom of certain persons of color.

et for the relief of the heirs of George McKnight," approved January 17th, 1842—requires the Secretary of War to issue a certificate for the donation land granted to those who the battle of the 19th March, 1836; also, the donation land to soldiers who died or were slain in the service of Texas; and, also, the bounty land for three months' service in the army. It also requires the Auditor to audit the

claim of said McKnight for three months' services in the 1835 and 1836.

"Joint Resolution for the relief of Nathaniel Moore," January 29th, 1842—requires the Commissioner of the Land Office to respect as genuine a certain land certificate 233, issued to him by the Board of Land Commissioners of trop county.

"An Act for the relief of John S. Martin," approved 29th, 1842—requires the Auditor to issue to him an audit for \$311 84, receivable for public dues heretofore accrued.

"Joint Resolution for the relief of A. C. Macfarlane, late of Travis County," approved February 4th, 1842—requires Auditor to audit certain accounts of said Macfarlane.

N

"Joint Resolution for the relief of Helena Nelson," January 29th, 1842—requires the Auditor to audit her \$185—receivable for public dues heretofore accrued.

O

"Joint Resolution for the relief of J. T. O'Reily," January 29th, 1842—requires the Auditor to audit his \$132 44—payable at the pleasure of the Government.

P

"An Act for the relief of the heirs of Capt. John W. Peacock," approved February 5th, 1842—directs a patent to be issued to the administrator of the said J. W. Peacock, for one league and 125 acres of land.

R

"Joint Resolution concerning the fall term, 1841, of the Court of Refugio," approved December 30th, 1841—directs no deduction be made in the salary of the Judge, by reason of his not having held said Court.

"Joint resolution for the relief of the executrix of Thomas deceased," approved January 18th, 1842—authorizes the Auditor to audit, at the pleasure of the Government, of her account of money.

"Joint Resolution requiring the Auditor to re-audit claims," approved January 24th, 1842—directs the

delivery to him, by James H. Raymond, of certain Treas-
ants, for \$471 21 in amount, to issue a Warrant for \$94,
Exchequer Bills, out of the contingent fund of Con-

for the relief of William E. Roberts," approved Febru-
12—directs the Commissioner of the General Land Of-
fice as genuine his head-right "claim," for one-third of
land.

S

Resolution for the relief of Angeline D. Smith," approved
10th, 1841—exonerates her from the payment of balance
money on certain lots, near the city of Austin.

Resolution for the relief of Adolphus Sterne," approved
1, 1842—directs that his claim for \$949 50 be audited.

Resolution for the relief of Ensign B. Smith and Stephen
approved January 18th, 1842—directs the Commissioner
General Land-Office to issue to them patents for one league
of land each.

Resolution for the relief of Charles Shearn," passed Janu-
1842—requires the Auditor to issue to him drafts to the
\$4,400—payable at the pleasure of the Government, and
for government dues heretofore accrued.

Resolution for the relief of John R. Slocum," approved
9th, 1842—directs the Auditor to audit his account for
payable for all public dues heretofore accrued.

Resolution for the relief of Seth Swift," approved Janu-
1842—requires the Auditor to audit his claim for \$217 75
at the pleasure of the Government.

Resolution for the relief of William Snodgrass," approved
9th, 1842—requires the Auditor to audit his claim for
payable for all dues for which promissory notes are re-

T

Resolution for the relief of Andrew J. Titus, and others," approved
10th, 1842—directs that patents be issued to A. J. Titus
Titus, for 1280 acres of land each; to Wm. Lewis, or his
heirs, for one-third of a league; and to the heirs of James W.
Titus, for 1280 acres.

Resolution for the relief of Daniel J. Toler," approved

January 20th, 1842—directs a patent to be issued, to him, third of a league of land.

"Joint Resolution passing a vote of thanks to Captain J. Tod, late commander of the naval station at Galveston," passed by a constitutional majority, February 1st, 1842—declares him entitled to the thanks of Congress for his faithful and important services; and directs the resolution and report attached thereto be read at the navy yard, &c.

"Joint Resolution for the relief of George W. Terrell," passed February 5th, 1842—directs the payment of one-half the amount due to him and Edward T. Branch respectively, as district

W

"An Act for the relief of Daniel M. Wiseman," approved January 18th, 1842—directs a patent to be issued to him for one-half of a league of land.

"Joint Resolution for the relief of O. C. Williams," passed January 24th, 1842—directs the claim of said Williams to be audited for \$150—receivable for public dues heretofore accrued.

"Joint Resolution for the relief of Thomas G. Western," passed January 25th, 1842—directs that his claim be audited for the amount receivable for public dues heretofore accrued.

"Joint Resolution for the relief of Francis F. Wells," passed January 29th, 1842—directs his accounts to be audited for the amount receivable for government dues heretofore accrued.

"Joint Resolution for the relief of William K. Wilson," passed February 3d, 1842—requires the Commissioner of the Land-Office to issue to him a patent for a certain league of land.

"Joint Resolution for the relief of Ward and Ingram," passed February 5th, 1842—directs the Auditor to audit their claim for \$2,582 03—payable after the first day of January, 1843, with interest from the 6th of April, 1841, until paid.

L A W S

P A S S E D A T A

SPECIAL SESSION OF THE SIXTH CONGRESS

O F T H E

R E P U B L I C O F T E X A S

C O N V E N E D A N D H E L D A T T H E

CITY OF HOUSTON, JUNE 27th, 1842.

HOUSTON.
1842



LAWS.

AN ACT

to make valid certain acts done in the several Judicial Counties of this Republic.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all certificates and orders of survey, for lands, issued by any of the several Boards of Land Commissioners, or District Courts, of the several Judicial Counties, and all surveys of land which have been made by the several Surveyors, or their Deputies, of any such counties, and all patents to land issued by the Commissioner of the General Land Office, upon such certificate, or order of survey, or surveys, so made, shall be held to be good and valid, to all intents and purposes: provided, the same would have been legal, had the same been done by the Courts, Commissioners or officers, of a particular County; and further provided, always, such survey as aforesaid, and patent that may issue thereon, shall not operate to prejudice, or prejudice in any manner, the prior vested rights of third persons.

Section 2. Be it further enacted, That this act take effect from and after its passage.
Approved July 18th, 1842.

AN ACT

To prolong the term of the Probate Courts.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That after the Probate Courts of the several counties, in this Republic, shall have authority to continue their session, from day to day until the business shall be disposed of.

Section 2. Be it further enacted, That this act take effect from and after its passage.
Approved July 19th, 1842.

AN ACT

To change an appropriation therein specified.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, that the unexpended balance of the appropriation, made for per diem and mileage pay of members of the Sixth Congress, the same is hereby, appropriated; first, to the payment of the members of the present session of Congress, at six dollars per diem, and the remainder shall be paid over to the members of Congress for their attendance at the present session, in proportion to the amount of their per diem pay, at this time, and this act shall take effect from and after its passage.

Approved July 19th, 1842.

AN ACT

To regulate the collection of impost duties.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, that the Collectors of Revenue are hereby required, from and after the passage of this act, to receive the Exchequer bills, in payment of the duties of impost and tonnage duties, only at the current price at which such bills are selling in the market.

Sec. 2. Be it further enacted, That it shall be the duty of the Collectors of Customs to make out duplicate returns of the amount of monies received for impost and tonnage duties, the kind of bills in which payment was made, [and] the day when received, of which shall be forwarded to the Treasury Department, and the other shall be deposited with the Chief Justice of the County of the County, where the Custom House is situated, and to be open to public inspection—which returns shall, in all cases, be signed by the Collector.

Sec. 3. Be it further enacted, That nothing in this act shall be construed as to authorize the Collector of Customs to receive at any other than the market price, the Exchequer bills, but they shall be on deposit, for the payment of dues yet unpaid, or accruing.

Sec. 4. Be it further enacted, That all Sheriffs, Clerks, Justices, Masters, throughout the Republic, are hereby authorized and required to collect the direct and license taxes and postage in accordance with the provisions of this act.

Approved July 23rd, 1842.

JOINT RESOLUTION.

ing appropriations for the support of the Navy.

1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That fifteen thousand dollars be, and the same is hereby, appropriated for the repairs and outfit of the Steam Ship Zavala; and of twenty-five thousand dollars for the outfit and provision of the Navy now in the employment of the Government; and the sums aforesaid be paid out of the first monies in the Treasury at the disposition of the Executive.

Be it further resolved, That the sum of twenty-eight thousand two hundred and thirty-one dollars be, and the same be appropriated for the pay of the officers, seamen and marines for services rendered, and due them on the first of July, eighteen hundred and forty-two; also the sum of twenty-nine thousand one hundred and twenty-eight dollars and fifty cents for pay of seamen and marines of the Navy, for the next six months from and after the first of July, eighteen hundred and forty-two; and that in case any prizes should be made, the duties levied, by our Navy, then and in that case, the same be hereby authorized and required to apply the same, or the proceeds thereof as may be requisite to the payment of the above appropriations, in part payment of the officers, seamen and marines.

Be it further resolved, That no part of the sum thus appropriated shall be paid over to any Commander or disbursing officer for his services or prize money, until he shall have rendered to the proper Department a full account of all monies before him disbursed; and provided further, that the amount, due for back pay, shall first be ascertained to be due for service rendered in the naval service of the Government, according to the law in existence at the time of the service; provided further, that the provisions of this act shall not be construed to give the captors of their individual shares in prizes as hereinafter provided by law.

Be it further resolved, That the Officers in the Navy shall receive the following compensation; To a Post Captain, one hundred dollars per month; Commander, one hundred and twenty dollars; Lieutenants commanding, one hundred dollars; Lieutenants, eighty dollars; Surgeons, one hundred dollars; Assistant Surgeons, eighty dollars; Purser, eighty dollars; Midshipmen, twenty dollars; Warrant Officers, twenty dollars; Secretary to Captain, fifty dollars; Clerks, forty dollars; Marines and Seamen shall be allowed pay by the law in force on the first Monday of September last.

Sec. 5. Be it further resolved, That should any prizes or contributions be made or received, the said Officers, out of that to which the Government would be entitled, shall receive additional pay, until it shall amount to the compensation they would have received, under the laws in existence, on Monday in September last.

Sec. 6. Be it further resolved, That the President, by the advice and consent of the Senate, shall appoint a Naval Officer, whose salary shall be one thousand dollars per annum; give bond and security in such sum as the President may require, who shall perform the duties of disbursing Officer and Naval Storekeeper. He shall take charge of the station at Galveston, and be held accountable for the safe keeping of all public property, including Store ships and vessels in ordinary. He shall make purchases necessary, and attend to all the duties heretofore performed by such Officers, and the tenth section of an act entitled "An act to abolish certain Officers therein named, and to reorganize the Military and Naval Establishments of the Republic," passed the eighteen January, eighteen hundred and forty-one, be, and the same is hereby, repealed.

Sec. 7. Be it further resolved, That this act shall take effect from and after its passage.

Approved July 23rd, 1842.

AN ACT

To provide for the survey and sale of a portion of the lands formerly occupied by the Cherokee Indians.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President of the Republic be, and he is hereby, authorized to cause to be surveyed, in such manner as he may deem proper, four hundred thousand acres of land, in the territory heretofore occupied by the Cherokee Indians, which surveys shall be made in sections of one English mile square, as nearly as may be provided, that all legal claims to lands, that have been located previous to February first, eighteen hundred and forty, shall be exempt from sale or surveys under the provisions of this act.

Sec. 2. Be it further enacted, That the President, as soon as a sufficient portion of said lands may have been surveyed, is authorized to appoint one or more Agents, who may be necessary, to reside at such points as he may designate, whose duties shall be to sell any part of said lands, in not less than one quarter section, at such price as the President may designate; provided that nothing but gold or

chexuer bills of this Government, shall be received in payment nor shall any sale be made but for cash in hand.

3. Be it further enacted, That the agents appointed shall bind, to the President, with good security, in such sum as he require, conditioned for the faithful performance of their duty and the faithful and prompt payment, into the Treasury, of the money received.

4. Be it further enacted, That the President is authorized to make contracts with the surveyors or agents, to pay them their compensation, in part, or in whole, in lands.

5. Be it further enacted. That the agents shall make quarterly returns to the Secretary of the Treasury, shewing the quantity of land which has been disposed of, and describing the sections, tracts and ranges. in which the sales have been made. He shall at the end of each quarter, pay over all money in his hands: in case of failure, his bond shall be forfeited: he shall be removed from office; and on being sued on the bond, he and his securities shall be condemned to pay to the President for the use of the Republic double the amount of the money thus retained in his hands.

6. Be it further enacted, That the said agents shall be subject to the orders of the President, and shall perform such other duties as may be required of them, and in case a suit may be brought against him or his securities, he or they may be sued in any county in which the Attorney-General may think proper to file a petition.

7. Be it further enacted. That the President is further authorized to appoint one or more agents in foreign countries, for the purpose of making sales of any or all of the said lands, and the agents shall be required to give the bonds contemplated by the last section of this act; but they shall not be required to settle the land, but shall pay over the money so soon as practicable after the sale, and shall also render an account thereof, to the Executive of the Congress.

8. Be it further enacted, That whenever any sale may have been made, the agent shall issue a certificate to the purchaser, stating minutely the land sold, and upon presentation of said certificate to the Commissioner of the Land-Office, it shall be his duty to issue a patent for the same.

9. Be it further enacted, That if a sale of a large amount of land can be made by the President, or any agent, without a preliminary survey, he is hereby authorized to make the same, and cause a conveyance to be afterwards made.

10. Be it further enacted, That this act shall take effect from its passage.

Approved July 23rd, 1842.

AN ACT

To alter the time for the meeting of the annual session of C

Be it enacted by the Senate and House of Representative
Republic of Texas in Congress assembled, That the annual
of the Congress of this Republic, shall hereafter commence
first Monday in December, any law now in existence to the
notwithstanding.

Approved July 23rd, 1842.

JOINT RESOLUTION

For frontier protection.

Section 1. Resolved by the Senate and House of Rep
tives of the Republic of Texas in Congress assembled
the President be, and he is hereby, authorized and require
cept the services of one company of volunteers for the pu
ranging on the frontier, on the rivers Trinity and Navas
vided, they equip themselves, at their own expense, for a
not less than two months; and that the sum of two hund
fifty dollars be, and the same is hereby, appropriated, of th
thousand dollars, heretofore made for frontier protection
shall be applied to the purchase of supplies for said compan
amount shall be drawn and receipted for by the Captain
mand;—and that the President be also allowed to raise t
panies, to range on the South-Western frontier, and the sur
thousand dollars be, and is hereby, appropriated out of th
patriation of twenty thousand dollars for frontier protect
their maintenance.

Sec. 2. Be it further resolved, That this Joint Resolut
effect from and after its passage.

Approved July 23rd, 1842.

REPUBLIC OF TEXAS, }
Department of State, }

undersigned, Acting Secretary of State of the Republic
s, do certify that a Special Session of the Sixth Congress,
d at the City of Houston, on Monday, the 27th day of June,
journd on the twenty-third of July, A. D., one thousand
ndred and forty-two.

L. s.] GIVEN under my hand and seal of Office, at the
City of Houston, the first day of August, A. D.
one thousand eight hundred and forty-two.
JOSEPH WAPLES.

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D

DIRECT TAXES—may be paid in Exchequer bills, at their market value, 4.

DISTRICT COURTS—of Judicial Counties—land certificates issued by, validated, 3.

DUTIES ON IMPORTS—collection of, regulated, 4.

E

EXCHEQUER BILLS—regularly at their market value, payment of duties, postage and license taxes, 4.

F

FRONTIER, PROTECTION—of trading companies, authorized, raised, 8; appropriation of same, 8.

G

GENERAL LAND-OFFICE—COMMISSIONER OF—(See Commissioner of General Land-Office.)

I

IMPORTS, DUTIES ON—(See on Imports.)

J

JUDICIAL COUNTIES—land certificates done in, validated, 3.

L

LAND CERTIFICATES—issued in Judicial Counties, validated, 3.

LAND-OFFICE, GENERAL—COMMISSIONER OF—(See Commissioner of General Land-Office.)

LAND TAX—(See direct taxes.)

LANDS, PUBLIC—(See public lands.)
LICENSES — taxes upon, paid in Exchequer bills, at market value, 4.

M

MEMBERS OF (sixth Congress) — (special session)—appropriation for pay of, 4.

- N**
- appropriation for support
 RT—appointment, salary
 5, 6.
- O**
- of sixth Congress (spec-
 n) pay appropriated, 4;
 Naval, and appropria-
 efor, 5, 6.
- P**
- ertain, declared valid,
 ssued to purchasers of
 lands, 7.
 may be paid in Exche-
 at their market value, 4.
 —duty in respect to the
 e Officers, Seamen and
 of the Navy, 5; to ap-
 vy Agent, 6; his duties
 a to the survey and sale
 ee lands, 6, 7; to accept
 ranging companies, 8.
 OURTS—term prolonged,
- R**
- RANGING COMPANIES — authorized
 to be raised for protection of the
 Frontier, 8; appropriation for
 their support, 8.
 REVENUE—(See duties on imports,
 direct taxes, licenses, postages
 and tonnage duties.)
- S**
- SALARIES—of Naval Officers, 5.
 SEAMEN AND MARINES—their pay
 —and appropriations therefor, 5.
 SESSION (annual) OF CONGRESS—to
 begin on first Monday in Decem-
 ber, 8.
 SURVEYS—made by Surveyors of
 Judicial Counties, validated, 8.
- T**
- TAXES, DIRECT, AND UPON LICEN-
 ses—may be paid in Exchequer
 bills, at their market value, 4.
 TONNAGE DUTIES—Exchequer bills
 receivable in payment, only at
 their market value, 4.
- V**
- VOLUNTEERS—(See Ranging Com-
 panies.)
- Z**
- ZAVALA—appropriation for repair
 and outfit, 5.
- Ds**—survey and sale of
 of Cherokee lands pro-
 6, 7; appointment and
 Surveyors and Agents to
 and sell, said lands, 6, 7;
 President in relation to
 ey and sale, 6, 7; Com-
 of General Land Office
 atents to purchasers, 7.

ABSTRACT
OF
PRIVATE ACTS AND JOINT RESOLUTIONS
PASSED AT A SPECIAL SESSION OF THE SIXTH CONGRESS,
AND HELD AT THE CITY OF HOUSTON,
JUNE 27th, 1842.

D

“Joint Resolution for the relief of F. Dawson,” approved July 19th, 1842—requires the Secretary of the Treasury to obtain bonds of the Government, held by the said Dawson, in lieu thereof, bonds of a smaller denomination.

J

“Joint Resolution for the relief of Thomas Johnson,” approved July 19th, 1842—directs the payment, to the said Thomas Johnson, late Judge of the first Judicial District, of the sum of \$1000—half the salary to which he is by law entitled for the twelve months and nineteen days, during which he served as aforesaid.

“An Act to divorce certain persons therein named,” approved July 23d, 1842—divorces, a vinculo matrimonii, the following persons, that is to say; Francis W. Johnson and Rosella Johnson; James Conner and Julia E. Conner; Andrew Jackson Morgan and Jane Morgan; Daniel Tuttle and Mary Tuttle; William Mays and Mary Mays; J. C. Neal and Louisa Neal; Dennis Neil and Henry Tierwester and Ann Tierwester; and Jacob I. Duckworth and Nancy Duckworth.

M

“An act to divorce Thomas F. McKinney and Nancy McKinney and others from the bonds of matrimony,” approved July 23d, 1842—divorces, a vinculo matrimonii, the following persons, that is to say;—the said Thomas F. McKinney and Nancy McKinney; James P. Hutchison and Celia Hutchison; and David H. Hutchison and Lucinda Hodges.

W

“Joint Resolution for the relief of Captain Augustus W. Walker,” passed by a Constitutional majority, July 23d, 1842—relieves him from his command as Captain of Company — of Tennessee Volunteers—but does not exempt him from trial by a Court-martial, for any mutinous or insubordinate conduct.

L A W S

PASSED BY

THE SEVENTH CONGRESS

OF THE

REPUBLIC OF TEXAS

PUBLISHED BY AUTHORITY.

WASHINGTON:
1843



L A W S

OF THE

REPUBLIC OF TEXAS.

AN ACT

entary to an act, entitled an act to divide the County of
ver, and to create and establish the Counties of Bowie
mar.

1. Be it enacted by the Senate and House of Repre-
of the Republic of Texas in Congress assembled, That
section of the above recited act, to which this is a sup-
be so amended as to make it the duty of the Clerk of the
d Probate Courts of said Red River County, to transmit
pers, of every description, to the Counties of Bowie and
which belong to said Counties according to the division as
the above act; any thing in the law to the contrary not-
ing; and that this act take effect from and after is pass-
ed, 26th Dec., 1842.

AN ACT

ate the Southern boundary of Lamar County, and for
other purposes.

1. Be it enacted by the Senate and House of Rep-
es of the Republic of Texas in Congress assembled, That
stream, or principal south fork of the Sulphur Fork of
r be, and is hereby declared to be the South boundary of
ty.

Be it further enacted, That George Wilson, Jesse

Shelton, Joel Wafer, Joseph Bowerman and Doctor John be, and they are hereby appointed, or a majority of them certain the geographical centre of said County, and pro denominate some two or more points, within three miles said centre so ascertained, having due respect to donation may be offered for a town site for the use of said County Commissioners shall then proceed to issue writs of election different precincts, directed to some Justice of the Peace same, to open and hold an election on a day named by said missioners, by giving ten days notice of the same, for the in nomination; and the said Justice shall make return election, on the third day thereafter; and the place having the est number of constitutional votes, shall be declared the Seat of Lamar; and said site shall be named by said Commi

Sec. 3. Be it further enacted, That said Commissioners proceed to lay out a town, sell lots, contract for public b and do all things necessary for the promotion of the interes County, for which services they shall be allowed three dol day, out of the proceeds of the sales of the County town l

Sec. 4. Be it further enacted, That all the records of the held at said town, when the same shall be located in acc with the provisions of this act, shall be legal and valid, any the contrary notwithstanding.

Approved, 26th Dec., 1842.

AN ACT

Transferring an unexpended appropriation for the conting penses and the pay of the seventh Congress.

Section 1. Be it enacted by the Senate and House c representatives of the Republic of Texas in Congress ass That four thousand eight hundred dollars of the unex appropriation for the protection of the frontier, placed disposition of the Executive by act of Congress, passed ary the third, one thousand eight hundred and forty t and the same is hereby transferred and appropriated in l owing manner, to wit: five hundred dollars to meet t tingent expenses of the two Houses of the seventh C

other four thousand three hundred dollars to be pro rata
ted between the Senators and Representatives and the of-
the two Houses of the seventh Congress.

2. Be it further enacted, That this act shall take effect
in force from and after its passage.

oved, 26th Dec., 1842.

JOINT RESOLUTION

mentary to a joint resolution granting further time for the
ent of Government Dues, and the return of Field Notes,
ved November twenty seventh, one thousand eight hundred
orty one.

on 1. Be it resolved by the Senate, and House of Repre-
es of the Republic of Texas in Congress assembled, That
visions of a joint resolution, approved November twenty
one thousand eight hundred and forty one, granting fur-
ne for the payment of government dues and the return of
tes, be, and the same is hereby extended and declared in
ntil the first day of January, one thousand eight hundred
ty six.

2. Be it further enacted, That this joint resolution take
om and after its passage.

d, 27th Dec., 1842.

AN ACT

vide for collecting and conveying Indian prisoners to the
Waco village.

as the Honorable Congress has recently been assured,
e different tribes of Indians have in their possession no
n eleven Texian prisoners, and that they will be brought
Waco village on the ninth day of February next, with
ention on the part of the Indians, to exchange them for
rn people held by us as prisoners; and whereas we firm-
ve that unless all the Indian prisoners, which are now

in our possession, are restored to their different tribes or set apart to meet them at the Waco village, that they will ratify the treaty of peace which has been commenced with them, nor deliver over to us our Texian brethren; the release of whom from Indian captivity is a matter of vital interest to our relatives as well as to every feeling heart: Therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President is hereby authorized and required to employ any person or persons, as may be necessary to collect all the Indian prisoners now in the possession of Texian citizens, or in the possession of the Lipan or Tancahua tribes of Indians; and to deliver the said Indian prisoners to the Waco village, by the time the said Indian prisoners shall be delivered to the said village, to conclude a treaty of peace with the different tribes of Indians on our Northern and North-Western borders.

Sec. 2. Be it further enacted, That any person or persons who shall refuse to deliver to such person or persons, as may be employed by the President, any Indian prisoner or prisoners, he, she, or they may have in possession, shall, for each offence, be fined in a sum not less than five hundred, nor more than one thousand dollars, at the discretion of the court; or recovered by motion against the offending party in the Court, (three days previous notice being given,) or on indictment.

Sec. 3. Be it further enacted, That if any person shall refuse to deliver up such Indian prisoner or prisoners, it shall be the duty of the President to cause a writ of Habeas Corpus to be issued for the prisoner, or any other person for him, to apply to the District Judge, Chief Justice of the County, or Justice of the Peace for a writ of Habeas Corpus; and if found to be an Indian prisoner, he shall be discharged from the service of the person who detained him, or her, and placed in the custody of the President, whom the President may appoint to carry out the provisions of the previous sections.

Sec. 4. Be it further enacted, That the person or persons employed by the President, shall, each, receive four dollars per diem, so long as he or they may reasonably be employed in collecting and conducting the Indian prisoners to the treaty grounds.

Sec. 5. Be it further enacted, That the President is hereby authorized to purchase comfortable clothing and blankets for the Indian prisoners, before they are delivered over to their respective tribes; and that the sum of two thousand dollars be appropriated for that purpose, as well as for the purpose of paying the expenses of conveying the prisoners to the treaty grounds.

village; and that this act take effect from and after its
ed, 28th Dec., 1842.

AN ACT

orize John McMullen to order the election of County
rs in the County of Bexar, and for other purposes.

1. Be it enacted by the Senate and House of Repre-
of the Republic of Texas in Congress assembled, That
e absence of the Chief Justice of said County of Bexar,
Mullen, one of the associate Justices, be, and he is hereby
d to do and perform all matters and things touching the
said Chief Justice, until the said County shall be or-

Be it further enacted, That this act shall take effect
assage.

ed, 29th Dec., 1842.

AN ACT

l an act, entitled an act to reduce into one and amend the
acts concerning executions, approved January twenty
, one thousand eight hundred and forty two.

1. Be it enacted by the Senate and House of Repre-
of the Republic of Texas in Congress assembled, That
y first section of the above recited act be so amended as
that the provisions of the seventeenth, eighteenth, and
h sections of this act shall apply only to debts and other
ilities contracted and incurred prior to the first day of
thousand eight hundred and forty two, instead of March.
ned in said section of the above recited act.

Be it further enacted, That this act shall take effect
after its passage.

ed, 3d Jan., 1843.

AN ACT

Making appropriations for the support of the Government for the year one thousand eight hundred and forty three.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, that the following sums be, and they are hereby appropriated for the service of the Government, for the year one thousand eight hundred and forty three, viz:

For pay and mileage of members of the seventh Congress, twelve thousand dollars.

For the pay of Chief Clerk of the House of Representatives during the recess of Congress, seven hundred dollars.

For contingent expenses of the seventh Congress, two hundred dollars.

For compensation of the President of the Republic, five thousand dollars.

For compensation of the Vice President, one thousand dollars.

For compensation of the President's Private Secretary, five hundred and fifty dollars.

For Contingent expenses of Executive Department, ten thousand dollars.

For compensation to Secretary of State, one thousand dollars.

For contingent expenses of State Department, one thousand dollars.

For hire of porters, subject to the control of the Secretary of State, three hundred dollars.

For contingent expenses of the Post Office Bureau, five hundred dollars.

For transporting the mails for the year one thousand eight hundred and forty three, twelve thousand dollars, and all other expenses arising from the receipts of the Post Office Department for the year one thousand eight hundred and forty three.

For compensation to the Secretary of the Treasury, five thousand and five hundred dollars.

For contingent expenses of the Treasury Department, five hundred dollars.

For compensation to the Comptroller, one thousand dollars.

For contingent expenses of the Comptroller's office, five hundred dollars.

For compensation to the Treasurer, one thousand dollars.

r contingent expenses of the Treasurer's office, three hundred
rs.
r compensation to the Auditor, one thousand dollars.
r contingent expenses of the Auditor's office, three hundred
rs.
r compensation of the Secretary of War and Marine, one thou-
five hundred dollars.
r contingent expenses of the War Department, five hundred
rs.
r compensation of the Attorney General, one thousand dol-
r contingent expenses of the Attorney General's office, one
red dollars.
r compensation of the Commissioner of the General Land
e, one thousand five hundred dollars.
r compensation to the Draftsman of the General Land Office,
hundred and fifty dollars.
r contingent expenses of the General Land Office, two thou-
dollars.
r compensation for twenty one clerks employed in the va-
offices and Departments of the Government, fifteen thou-
dollars.
r compensation of Chargé d'Affaires, nine thousand dollars.
r compensation to the Secretary of Legation to the United
s, twenty-five hundred dollars.
r the relief of George S. McIntosh, former Secretary of Lega-
to France, five thousand dollars.
r contingent expenses of Legation, one thousand dollars.
r compensation to Captain of Ordnance, Armorer, and la-
s employed in Ordnance department, two thousand dollars.
r contingent expenses of Ordnance department, subject to
ontrol of the Secretary of War and Marine, five hundred dol-
r Indian purposes, subject to the control of the Executive,
ousand dollars.
r salary of Chief Justice of the Republic and seven associate
es, fourteen thousand dollars.
r contingent expenses of the Supreme Court, five hundred
rs, subject to the order of the Chief Justice.
r compensation to the Clerk of the Supreme Court, five hun-
dollars.
r printing of laws and journals of the Seventh Congress, five
and dollars.

For pension to Joseph Cecil, for the year one thousand hundred and forty two, three hundred dollars.

For pension to Joseph Cecil, for the year one thousand hundred and forty three, three hundred dollars; seventy five dollars to be paid quarterly.

Sec. 2. Be it further enacted, That the unexpended balance of the appropriations for the salaries of officers of the Government for the year one thousand eight hundred and forty two, be transferred to and made a part of the appropriations for the year one thousand eight hundred and forty three, in addition to the appropriations specified in this act.

Sec. 3. Be it further enacted, That the compensations provided by this act to the officers of the civil list, shall be computed from the first day of December, one thousand eight hundred and forty two, or from the time of their appointment.

Sec. 4. Be it further enacted, That the officers of the Executive Department of the Congress shall receive the same per diem pay as the officers of the Sixth Congress; and the sum of five thousand dollars be, and the same is hereby appropriated for the payment of the same.

Sec. 5. Be it further enacted, That the Secretary of the Treasury be, and he is hereby required to issue Exchequer bills to meet the foregoing appropriation, and disburse them in such manner that not a greater amount shall be in circulation at any one time than fifty thousand dollars, in denominations as now required by law, until the first day of March, one thousand eight hundred and forty three, after which time, it shall be his duty to issue the same in denominations of one, two, three, five, ten, and twenty dollars, and to issue as many of the smaller denominations as may be practicable under the provisions of this section.

Sec. 6. Be it further enacted, That the sum of ————— dollars be, and the same is hereby appropriated to procure the printing and signing of the bills to meet the foregoing appropriation.

Approved, 6th Jan., 1843.

AN ACT

end the several laws regulating the Post Office Department.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That and after the passage of this act, the following, and none, shall be regarded as mail routes, on which the public mail be transported, that is to say:

One. From Galveston to Matagorda, via San Luis and Ve-

Two. From Galveston to Houston.

Three. From Houston to Patillo's, via Liberty and Beau-

Four. From Houston to Washington.

Five. From Houston to Egypt, via Richmond.

Six. From Egypt to Victoria, via Menefee's.

Seven. From San Antonio to Rutersville, via Gonzales, s and La Grange.

Eight. From Rutersville to Cincinnati, via Mount Vernon, endence, Washington, Montgomery and Huntsville.

Nine. From Cincinnati to San Augustine, via Crockett acogdoches.

Ten. From San Augustine to Sabine Town, via Milam.

Eleven. From San Augustine to Daingerfield, via Shelby- and Marshall.

Twelve. From Daingerfield to Fort English, via Boston, alb, Savannah and Clarksville.

Thirteen. From Jasper to Sabine Town.

Fourteen. From Velasco to Washington, via Brazoria, Co- a, Richmond, San Felipe and Burleigh.

Fifteen. From Matagorda to La Grange, via Egypt and Co- is.

Sixteen. From La Grange to Austin, via Bastrop.

Seventeen. From Victoria to Gonzales, Via Cuero.

Eighteen. From Independence to Nashville, via Caldwell.

Nineteen. From Washington to Franklin, via Boone-

Twenty. From Huntsville to Swartwout.

Twenty One. From Swartwout to Jasper, via Town Bluff.

Sec. 2. Be it further enacted, That upon the routes in the preceding section of this act, the mails shall be weekly:—Provided, that nothing herein contained, safeguarded as conflicting with the provisions of the third act, entitled “an act to amend and reduce into one, laws regulating the Post Office Department;” approved the sixth, one thousand eight hundred and forty.

Sec. 3. Be it further enacted, That this act shall from and after its passage.

Approved, 6th Jan., 1843.

AN ACT

To amend the law regulating proceedings in Justice

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled hereafter, when any suit shall be commenced before a Justice of the Peace on a note of hand, bill, or other evidence of debt by the defendant, if it shall appear, on the return of a Justice of the Peace, that the defendant has been duly served with process by the said Justice, that the said Justice shall proceed at the time appointed for trial to render judgment against the defendant for whatever amount may be due by the instrument sued on; unless the defendant, being called, shall appear and make defence; in which case the trial shall proceed as now regulated by law in other suits. And provided, the amount does not exceed the Justice's jurisdiction.

Sec. 2. Be it further enacted, That so much of the provisions of an act, approved twentieth December, one thousand eight hundred and thirty six, entitled an act organizing Justices of the Peace, &c.; as conflicts with the provisions of this act, be, and the same is hereby repealed.

Approved, 6th Jan., 1843.

AN ACT

provide for the payment of Assessors of Taxes.

1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That an assessment of the direct taxes shall have been proposed and returned, it shall be the duty of the Secretary of the State to draw a draft or drafts, in favor of the assessor, upon the Treasurer of the County in which he is the assessor, for the amount due as his compensation, which draft or drafts shall be payable in payment of the taxes due the Republic, in the amount which the assessment has been made, or paid by the assessor, of the first money by him collected of the taxes of such County, and this act shall take effect from its passage.
Enacted, 7th Jan., 1843.

AN ACT

to amend an act, entitled an act to amend an act to raise a revenue by direct taxation, approved February fifth, one thousand eight hundred and forty two.

1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the section of the above recited act be so amended as to require the duty of assessors hereafter to make their returns to the Secretary of the State, on the first monday of September each and every year, in lieu of the first day of December.
Enacted, 9th Jan., 1843.

AN ACT.

To amend the Probate Law.

Section 1. Be it enacted by the Senate and House representatives of the Republic of Texas in Congress assembled hereafter, when any person shall die intestate, or shall expressly forbid it by will, the same amount of property, and kind—if so much belong to the estate in kind—that is ex sale under fieri facias, or execution, by an act approved fifth January, one thousand eight hundred and thirty titled “an act to exempt certain property therein named execution,” be, and the same is hereby declared to be ex sale by order from any Probate Court.

Sec. 2. Be it further enacted, That when an inventory out and returned to the Probate Court, of the property belonging to a succession, the Judge thereof shall set property and articles as contemplated in the preceding section the sole use and benefit of the widow and children of the

Sec. 3. Be it further enacted, That the appraisers required to appraise property previous to its sale, be appointed by the Judge at the time of issuing the order of sale, or on some day previous to the sale, and that they be sworn by any person authorized to administer an oath.

Sec. 4. Be it further enacted, That so much of the law as authorizes administration to be granted to the Sheriff or Justice of the Peace be, and the same is hereby repealed.

Sec. 5. Be it further enacted, That any testator by his will may so provide, that no other action than the probate and execution of the will, in whatsoever county he may designate, shall be had in the Probate Courts.

Sec. 6. Be it further enacted, That all laws conflicting with the provisions of this act be, and the same are hereby repealed.

Sec. 7. Be it further enacted, That appraisers, and commissioners of partitions, for each day they may serve as such, be entitled to receive two dollars per day and no more, any law to the contrary notwithstanding.

Approved, 9th Jan., 1843.

AN ACT

authorize the County Court of Brazoria county to levy a tax for certain purposes.

1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the County Court of the county of Brazoria be, and is hereby authorized to collect a tax, not exceeding one fourth of one per cent, on every property being in said county, on which an assessment has been made for the year 1842, to be appropriated for the completion of the court house and jail in said county; and this act shall take effect from its passage.
Enacted, 14th Jan., 1843.

AN ACT

to incorporate the Matagorda Caney Navigation Company.

1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be and is hereby established a corporate body, under the name of the Matagorda Caney Navigation Company, with a capital of sixty thousand dollars, to be divided into shares of five dollars each—that said corporation shall have power to sue and be sued by its said name, to have a common seal, and the right to break and alter, to receive donations, to borrow money on mortgage of real lands and personal property for the purpose of carrying out the objects of this incorporation.

Be it further enacted, That books for the subscription shall be opened on the first day of March next at the house of John Shepard, in the county of Matagorda, under the supervision of the following Commissioners: James T. Belknap, John Shepard, John Duncan and Abram Shepard, or any two of them; and said books shall remain open until the full amount of the subscription shall have been subscribed.

Be it further enacted, That after said stock shall have been subscribed, the said corporate body shall be governed by its officers and by-laws, as the said stockholders shall determine. Provided, that nothing in such by-laws shall be contrary or in conflict with the Constitution of the Republic, and

in the election of officers and adoption of by-laws, each shall be entitled to a vote, and voting by proxy shall be allowed.

Sec. 4. Be it further enacted, That said corporate body shall have power to order the payment of said capital stock to be paid on each and every share, and any instalment thus ordered to be paid shall remain unpaid on any share or shares, for the space of thirty days after the same shall have become due, it shall be lawful for the officers of said corporate body to sell such share or shares to the highest bidder for cash.

Sec. 5. Be it further enacted, That said corporate body shall have power to clear out the channel of old Caney Creek in said county of Matagorda, and to improve the navigation thereof by dams or locks, and otherwise, from the rise or head of the creek to the mouth thereof into the Gulf of Mexico, as far up the channel of said creek as it will be practicable to make the same navigable, and shall have power to use the banks of said creek, and the earth and timber thereon for that purpose in navigating said creek.

Sec. 6. Be it further enacted, That in case any owner of the soil in said creek shall refuse to surrender the same to the said corporate body for said purposes, then said corporate body shall have power to apply to any Justice of the Peace of said county, whose duty it shall be to summon a jury of freeholders, not stockholders, to estimate the damage which such owner or owners of the soil in said creek will suffer by the provisions of this act, and by the prosecution of the work in this act contemplated, and it shall be the duty of the said corporate body to pay the damage so estimated to the said owner or owners, and the title to the soil in said creek shall be vested in said corporate body.

Sec. 7. Be it further enacted, That after the said corporate body shall have rendered said creek navigable from a place near the mouth, commonly called the town of Manhattan, up to any point fifteen miles above where the tide ebbs and flows, said corporate body shall have the right to charge and collect tolls on all vessels, steam-boats, rafts and freight passing up and down said creek.

Sec. 8. Be it further enacted, That after thirty years from the date of the passage of this act, it shall be lawful for the county of Matagorda to pay to the said corporate body, the full amount of the expenses of clearing out the channel of said creek, and of constructing the said works, and of the damage

be assessed under the provisions of the sixth section of this act; and upon said payment, the right of said corporate body to charge tolls shall cease and determine, and this act shall be null and void: Provided, that if said county shall not make payment within one year after the expiration of said thirty days, then the said right to charge tolls as aforesaid shall extend to said corporate body, and this act shall remain in force for one year thereafter; at the expiration of which period, the said county shall have the further space of one year in which to make payment.

Be it further enacted, That this charter shall not be so construed as to give to said corporate body, any banking privileges; and that said corporate body shall not in any case make any capital stock for any other purposes than those herein provided, and for the purpose of navigating said creek by steamboats, or otherwise.

Be it further enacted, That all vessels belonging to the Government of Texas, shall pass on said creek free from tolls.

Be it further enacted, That said corporate body shall perform the work contemplated by this act, so far up said creek as is mentioned in the seventh section, within five years after the date of this act.

Approved, 14th Jan., 1843.

AN ACT

For the protection of the Sea Coast.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of seven thousand dollars be, and the same is hereby appropriated for the erection and manning of fortifications for the protection of Galveston harbor.

Be it further enacted, That the sum of one thousand dollars be, and the same is hereby appropriated for the protection of the mouth of the Brazos river; and that the sum of one thousand dollars be appropriated to the defence of the pass into Matagorda Bay.

Sec. 3. Be it further enacted, That a squad of ten men, commanded by a second Lieutenant, be raised and stationed on Galveston, to take charge of the guns and military stores; the expense of which, to be paid out of the appropriation for the protection of that place.

Sec. 4. Be it further enacted, That the President of the Republic be, and he is hereby authorized and required to carry into effect the provisions of this act into effect; and that this act take effect after its passage.

Approved, 14th Jan., 1843.

AN ACT

To incorporate the Galveston Orphan's Friend Society.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Rhoda Huckins, Sarah Sydnor, Henrietta Barnard, and Jones, and their associates, be, and they are hereby created, declared to be a body politic and corporate, by the corporate name of the Galveston Orphan's Friend Society, and by that name to enjoy perpetual succession, shall be capable in law of contracting and being contracted with, may sue and be sued, plead and be pleaded, and shall have all the rights and privileges in law granted to corporations of a like character.

Sec. 2. Be it further enacted, That the said corporation have power to take and hold by purchase, devise, donation, or otherwise, both real and personal estate, not to exceed in value ten thousand dollars, for the purpose of founding, erecting, and maintaining in the city of Galveston, an asylum for destitute and orphaned children, and to have and use a common seal.

Sec. 3. Be it further enacted, That said corporation have full power to pass and adopt such by-laws, regulations, rules and orders, as they shall from time to time think proper for their own government, not inconsistent with the constitution and laws of the Republic, and to appoint from among its members, or otherwise, all such officers, under such names and titles, as they may at any time think proper for the conduct and management of the business and affairs of said corporation.

limitations, and restrictions as they may impose.

Be it further enacted, That this act take effect and be from and after its passage.

ed, 14th Jan., 1843.

AN ACT

ize the County Courts of Brazoria and Galveston to raise a Revenue by license on Public Ferries.

1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the County Courts for Brazoria and Galveston counties be, and they are hereby authorized and empowered to let out the ferries in said counties for any term of years, not more than five, on such terms as they may think proper.

Be it further enacted, That all persons shall give sufficient bond and security for the faithful discharge of their duty, and in case of neglect or failure to discharge the duties promptly, the County Courts may revoke and annul the right to the same, and all laws conflicting with this act are hereby repealed.

ed, 14th Jan., 1843.

AN ACT

entary to an act supplementary to an act, to detect fraudulent certificates and to provide for the issuing patents to inventors.

1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the act contemplated by the first section of the act to which this amendment, shall be commenced on or before the first day of January, one thousand eight hundred and forty four, and not thereafter.

ed, 14th Jan., 1843.

AN ACT

Directing the auditing of the claims for carrying the m
years one thousand eight hundred and forty one, and
sand eight hundred and forty two.

Section 1. Be it enacted by the Senate and House
sentatives of the Republic of Texas in Congress assem
the Auditor be, and he is hereby authorized to audit t
of the claims against this Government, for carrying the
the years one thousand eight hundred and forty one
thousand eight hundred and forty two, and the sum o
dred dollars for pay of mail contractors for one thou
hundred and thirty nine; which said claims, when so au
be receivable in payment of direct tax at the same r
chequer bills are received for the same dues.

Sec. 2. Be it further enacted, That this act be in
take effect from and after is passage.

Approved, 14th Jan., 1843.

AN ACT

Supplementary to an act making appropriations for t
of the Government for the year one thousand eigh
and forty three.

Section 1. Be it enacted by the Senate and House
sentatives of the Republic of Texas in Congress assem
the act, to which this is a supplement, shall be in forc
effect from and after the passage of this act.

Sec. 2. Be it further enacted, That the sum of one
five hundred dollars be, and the same is hereby appropri
ject to the order of the Secretary of the Treasury, to p
engraving and signing of the Exchequer bills ordered to
by the act to which this is a supplement; and the furt
two hundred dollars for printing Treasury warrants
troller's office, and other printing, including printing for
sand eight hundred and forty two.

Sec. 3. Be it further enacted, That the sum of fiv
dollars be, and the same is hereby appropriated, o
money that may hereafter come into the Treasury.

appropriated, for the payment of the contingent expenses of the Treasury Department, for the year one thousand eight hundred and forty two.

Be it further enacted, That in addition to the appropriation already made for the pay and mileage of members of the further sum of three thousand seven hundred and dollars be, and the same is hereby appropriated for the use of the members of the Sixth Congress, at the extra session of the summer of one thousand eight hundred and forty

Be it further enacted, That this act take effect from and after its passage.

Approved, 14th Jan., 1843.

AN ACT

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That an act entitled an act, regulating sales by judgment or decree of a Probate Court, or Court of Chancery, approved, February, 1841.

1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That if the property of any deceased person, made by any administrator, executor, or guardian, under or by order of any judgment or decree of any Probate Court, or Court of Chancery, shall be sold upon a credit of twelve months, with security, to the satisfaction of such administrator, executor, or guardian, or for cash, the Probate Court, or Court of Chancery, shall deem most proper for the interest of the estate of said deceased person, to pay the creditors thereof; Provided, that all such sales for cash shall be made upon appraisement, and shall not be made for less than two thirds of the appraised value of the property to be sold; and, that in case any property ordered to be sold for cash, shall be sold for two thirds of its appraisement, it shall be within the discretion of the Judge to re-order the sale, on a credit of twelve months.

Be it further enacted, That a like notice, as that required for sales under execution, shall be given for all sales made by virtue of this act: and that on all sales for cash, made by virtue of this act, the Chief Justice of the county where such

sales are to be made, or in his absence, the associate Justice, on the day of such sales, or a day previous, appoint three appraisers, who shall on oath appraise the value of the property to be sold; Provided, that the heirs or legatees of such estate, in person, or by attorney, or guardian, shall have the right of appointing one of said appraisers, by making said appointment in writing, filed in the clerk's office of the Probate Court of the county where said sale is to take place, at least three days before the day of sale; and provided, that all such appraisers shall be freeholders of the county where such sale is to be made.

Sec. 3. Be it further enacted, That all laws and parts of laws contrary to, or conflicting with this act be, and the same be, hereby repealed.

Sec. 4. Be it further enacted, That this act shall take effect from and after the passage thereof.

Approved, 14th Jan., 1843.

AN ACT

To provide for the establishment and maintenance of a Bureau of Indian Affairs, to regulate friendly intercourse with the Indians.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, that there shall be, and there is hereby created and established, a Bureau of Indian Affairs, to be attached to the War Department; and the chief clerk of that Department shall perform the duties of said Bureau, without any additional compensation.

Sec. 2. Be it further enacted, That the President shall lay before Congress, at each regular session, a report of the affairs and transactions of the Indian Bureau, with his recommendations in relation thereto.

Sec. 3. Be it further enacted, That the President shall have power, whenever he may deem it necessary, to appoint as many agents, not exceeding four; whose salaries, each, shall not exceed one hundred and fifty dollars per annum.

Sec. 4. Be it further enacted, That the President shall have power to appoint as many agents, not exceeding four, as may be necessary for the preservation of peace among

salary of each of which shall not exceed five hundred annum; and one superintendent, whose salary shall not exceed one hundred and fifty dollars per annum.

Be it further enacted, That all officers and agents, appointed by the President and connected with Indian affairs, shall be subject to the instructions of the President.

Be it further enacted, That all agents shall report at least once a year to the Executive, and oftener if required so to communicate all facts and intelligence connected with the execution of their duties, and every thing affecting the welfare of the Republic and the Indians, that they may have come to their knowledge.

Be it further enacted, That the President shall cause to be established trading houses, or posts; which posts or trading houses shall be established as follows, to wit:

One on or near the south fork of the Trinity, some where between the lower and upper Cross Timbers.

At or near the Comanche Peak.

At or near the old San Saba Fort, or mission.

At or near Porto Vandro.

At or near the junction of the Moras and Rio Grande.

Places to be designated by the commissioners that make treaties with the Indians, not to exceed twenty five miles from the place so designated in this section..

Be it further enacted, That the traders shall be appointed and licensed by the President, and give bond, to be approved by the President, for the faithful performance of their duties. They shall at all times be subject to the instructions of the President and his proper officers. Any person or persons, trading with the Indians without said appointment and license, shall be liable to arrest and punishment in any county in the Republic, by the President, for a term not less than fifty, nor more than five hundred dollars, and every offence, and imprisonment at the discretion of the Court; and such persons thus licensed, shall pay into the Treasury of the Republic such sums as the President may require. The license shall extend beyond one year, but may be renewable.

Be it further enacted, That no agent shall in any way be connected with the Indian trade, unless by the express appointment and license of the Government therefor; and only where it is evident some useful end is, by that course, to be attained; but where a trader may act as agent he shall

receive no salary; and where such agent may be a trader, he shall make out his invoices and swear to them before some Justice of the Peace of a county, or Justice of the Peace.

Sec. 10. Be it further enacted, That each trader shall, under oath, to the Indian agent, a full and accurate invoice of his goods, wares and merchandize of every description, taken to the trading-house; which invoice said agent shall retain, retaining a copy thereof, to the Bureau of Indian Affairs.

Sec. 11. Be it further enacted, That no person or persons shall, under any circumstances, trade, within the settlement of an Indian for any horse, mule, or other property, unless by the permission, in writing, of some Chief Justice or Justice of the Peace; and then only in the presence of two or more persons of good character.

Sec. 12. Be it further enacted, That whenever any property is found among the whites, belonging to the Indians, it shall be the duty of any Chief Justice, Justice of the Peace, or Constable, to see that the same is restored; and, on the other hand, whenever property belonging to the whites is found among the Indians, the same shall be restored in like manner to the Indian agent.

Sec. 13. Be it further enacted, That no trader shall sell any warlike stores to the Indians, unless by permission of the President.

Sec. 14. Be it further enacted, That no ardent spirit, or intoxicating liquors, of any kind, shall, under any circumstances, be introduced within the limits of any nation of Indians, at any trading-house; and any such liquors, found within ten miles of the line of trading-houses, shall be destroyed by the agent, or person; and the person or persons introducing, or attempting to introduce the same; shall be liable therefor to indictment in any county of the Republic, and, upon conviction, to a fine not more than fifty nor more than five hundred dollars; and other punishment at the discretion of the Court. If such persons are in the employment of the Government, they shall be immediately removed by the President.

Sec. 15. Be it further enacted, That no person or persons shall, without special permission of the President, pass the line of trading-houses, and then only for friendly purposes; nor shall any person or persons reside among, or remain within the limits of the territory assigned to the Indians, unless by express direction of the President.

Be it further enacted, That the Indians shall not come into their territory, without the special permission of the President, and then only when accompanied by one or more white persons appointed by the agent for that purpose.

Be it further enacted, That any person or persons, who attempt to molest the Indians or their property, while they are peaceable under the treaties, shall be held guilty of felony and punished accordingly.

Be it further enacted, That any killing or outrage committed by a white man upon any Indian, in time of peace, shall be punished in the same manner as though the Indian were a white man: Provided, any such Indian or Indians shall not be removed from the limits of any settlement in violation of the provisions of the treaties, and the person or persons so offending, shall be liable to be arrested and punished in any court in the Republic.

Be it further enacted, That any person or persons, who attempt to raise a force for the purpose of making war upon the Indians, while at peace, without direct authority from the Government, shall be held guilty of felony, and punished accordingly; and where their property will admit of the assessment, in a case of war, not less than fifty, nor more than five hundred dollars.

Be it further enacted, That the President shall have authority to make such arrangements and regulations with the several Indian tribes as he may deem expedient for the establishment and maintenance of peace, and the promotion of the common welfare.

Be it further enacted, That the President shall have authority to procure the release of prisoners held by the Indians, upon such terms as he may deem advisable.

Be it further enacted, That in making any treaties with the Indian tribes, the commissioners are hereby required to reserve to the Republic the right of mining in the Indian Territory; and the President is authorized to grant permission to proper persons to work for gold and silver within the Indian Territory, under such restrictions as may be deemed proper; and the Republic shall receive five per cent., of the proceeds, from all such mines.

Be it further enacted, That the President shall have authority to regulate the relative grades of Indians in council; and that this act shall take effect from and after its passage.

Approved, 14th Jan., 1843.

AN ACT

For the protection of the Western and the South Western
and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, immediately after the passage of this act, the two Houses shall proceed to elect, by joint ballot, a Major General of militia, who shall be commissioned by the President, to hold his office until the first day of January, one thousand and forty four, and shall be eligible to re-election.

Sec. 2. Be it further enacted, That it shall be the duty of the President of the Republic of Texas, when he issues his proclamation for the election of members of the eighth Congress, to direct the Chief Justices of the several counties of the Republic to hold the polls for the election of a Major General, who shall hold office for the term of four years, and make returns thereof to the Secretary of State, and the person receiving the highest number of votes shall be commissioned in like manner as is provided in the preceding section.

Sec. 3. Be it further enacted, That should a vacancy occur in the office of Major General, as provided for in the first section of this act, the duties of that office shall devolve upon a Major General charged by the senior General of brigade, commanding the militia.

Sec. 4. Be it further enacted, That should the Major General of militia deem it expedient, he may at any time take command of and command in his official capacity any number of troops provided, however, that he shall be entitled to receive no salary, unless a thousand or more troops shall be in active service.

Sec. 5. Be it further enacted, That it shall be his duty of the Major General with to organize the militia throughout the Republic, in the following manner, viz: by dividing them into six classes, from six to six; and when so organized, he shall have power to call them into service, in the order in which they stand in said organization; and he shall immediately require six companies of six men each, rank and file, from either of the classes as above, to act as piquets, or for such other service on the frontier as he may deem necessary; and the troops so raised

pany officers, and shall be commanded by two field officers, Lieutenant Colonel and a Major, who shall be elected by the companies raised in virtue of the provisions of the sixth section of this act, at the place of rendezvous to be designated by the General.

Be it further enacted, That it shall be the duty of the Major General to make the requisition for the first six companies of the third and fourth brigades, and shall serve for six months from the time they reach their respective places of rendezvous; and the second six companies shall be drafted from the second and fourth brigades; Provided, that the captain's companies of the third and fourth brigades, which are situated on the immediate frontier, be, and are hereby exempt from the provisions of this act.

Be it further enacted, That the Major General shall be authorized to appoint his general staff: and the Adjutant General shall reside in his office at the seat of Government.

Be it further enacted, That he shall be allowed to recruit volunteers, in lieu of drafted men; but shall not draft or recruit volunteers for a less term than six months, nor for a longer term than twelve months: Provided, always, that volunteers shall have the right of electing, in like manner, their company officers.

Be it further enacted, That it shall be the duty of the Major General, when in the field, to make full and complete reports of his proceedings to the Secretary of War.

Be it further enacted, That the Secretary of War be authorized to furnish the Major General with arms, munitions, and other necessaries as may be within his control, upon requisition by that officer, for the public service.

Be it further enacted, That every person refusing to comply with the draft made upon him or them, in virtue of the draft, as provided in this act, shall pay the sum of fifty dollars, to be made out of the property belonging to him or them, in the same manner as provided for by an act approved January twenty-fourth, one thousand eight hundred and thirty nine.

Be it further enacted, That all troops, when in service, shall be governed under the same rules and regulations as if in the regular Army of the Republic.

Be it further enacted, That all spoil, not the property of the Republic, captured from the enemy, shall be divided equally among the field officers equally among the captors, without regard to rank; and the property of citizens on identification shall be restored to the owners.

Sec. 14. Be it further enacted, That the Quarter Master General, before entering upon the duties of his office, shall give bond, with sufficient security, to be approved by the Secretary of the Treasury, for the sum of twenty thousand dollars, payable to the President of the Republic of Texas, and his successors in office, conditioned for the faithful performance of the duties of the same; and he is hereby made the disbursing officer for the purposes mentioned in this act.

Sec. 15. Be it further enacted, That all officers and men in the infantry and cavalry service of the Republic of Texas.

Sec. 16. Be it further enacted, That the companies authorized by the provisions of this act, shall be stationed at or near the following places, viz: two companies at the crossing of the Rio Grande of the Leona river; two companies at the White Horse crossing of the Nueces river; one company at Tumblinson's Block House; and the remaining company to be posted in the West, at the discretion of the commanding officer.

Sec. 17. Be it further enacted, That martial law shall be declared and enforced from the Rio Frio and Nueces rivers to the Rio Grande, for and during the time hostilities may exist between the Republic of Texas and Mexico.

Sec. 18. Be it further enacted, That it shall, and is hereby made the duty of the President, to reserve and keep from circulation of the fifty thousand dollars of Exchequer bills which are issued by the general appropriation bill, is the largest amount which at any time may be put in circulation, the sum of ten thousand dollars for military purposes, and to carry into effect the provisions of this bill.

Sec. 19. Be it further enacted, That the commanding officer shall not permit more than one subaltern, nor more than two privates from any one company, to absent themselves from duty at any time, nor for a longer time than three days, unless on special permission; and the commanding officer shall not absent himself from duty for a longer time than three days, without permission from the Major General, or the Secretary of War.

Sec. 20. Be it further enacted, That the sum of fifty thousand dollars be, and the same is hereby appropriated, for the purpose of carrying out the provisions of this act; and that all laws, parts of laws, contrary to the provisions of this act, are hereby repealed: and that this act take effect from and after its passage.

Passed by a constitutional majority. 16th Jan., 1846

AN ACT

of the proceedings of the Fall term, one thousand eight hundred and forty two, of the District Court of Bexar County.

1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the laws of the District Court of said county of Bexar, at the time thereof, made and entered on the sixth to the ninth, instant September, one thousand eight hundred and forty-two, the same are hereby legalized in the same manner and form as if the Judge of said Court had signed the same.

Be it further enacted, That this act shall take effect from and after its passage.

16th Jan., 1843.

AN ACT

to amend the existing laws in relation to proceedings in Courts of Probate.

1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That no person shall administer, executor, or guardian, be re-sell any other property, than that of a perishable nature, belonging to the estate of any deceased person or ward, nor be render and settle their accounts, except upon application, in writing, of some creditor, or creditors, heir or heirs, legatee or legatee, or of some next friend of the ward, any law now in existence to the contrary notwithstanding.

16th Jan., 1843.

AN ACT

For the relief of the purchasers of lots in the City of Austin,
and upon the City tract adjoining.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all purchasers of lots in the City of Austin, or of lots on the City tract of said City, or their assigns, who have not completed the payments for said lots, or any other of them, be, and are hereby allowed the additional term of twelve months, from and after the passage of this act, to complete said payments; and no lot of said city shall be forfeited by reason of the non-payment of any instalment due thereon, until after the expiration of the term of twelve months from and after the passage of this act.

Sec. 2. Be it further enacted, That all laws and parts of laws conflicting with this act, be, and the same are hereby repealed, and that this act take effect from and after its passage.

Approved, 16th Jan., 1843.

AN ACT

Amendatory to an act, to establish and incorporate the Texas College of De Kalb.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the tenth section of "an act to establish and incorporate the Texas College of De Kalb," be so altered and amended as to allow the sale of leagues of land granted to the said college, to be surveyed and entered in tracts not less than six hundred and forty acres; and that the same be located within the Senatorial District of De Kalb is situated, any thing in any law to the contrary notwithstanding; and that this act take effect from its passage.

Approved, 16th Jan., 1843.

JOINT RESOLUTION

the provisions of an act, entitled an act granting land to Emigrants.

, by an act passed by the Congress of Texas, entitled, "granting land to emigrants," and bearing date the fourth day of February, 1841, a grant was made to Daniel Joseph Carroll, and others, their associates, therein named, for the location and settlement of emigrants within the territory of Texas, and upon the terms and conditions therein provided; and whereas, by said act, the President of this Republic was authorized to make a contract with said Daniel J. Carroll, Henry and their associates aforesaid, collectively, in conformity with the provisions of the same; and whereas, in pursuance of such authority, the President did make a contract with the aforesaid parties, which was duly executed in their behalf, by their attorney, and which bears date the thirtieth day of August, 1841; and whereas, the President did make a further contract with the same parties, which bears date the twentieth day of November, 1841; and whereas, the President did make a yet further contract with the same parties, through their attorney, Horace and which bears date the twenty sixth day of July, 1842, the two contracts being supplementary to, and making one complete first contract; and whereas, it is deemed expedient to amend some of the provisions of said act and contracts, and to reserve some of the privileges therein granted; now, therefore, by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and he is authorized and required to make such modification of said contracts, or such further contract or contracts, with the parties named in the aforesaid act, or with their assigns or legal representatives, as shall be deemed by him for the benefit of the public, and as shall not be inconsistent with the provisions of said act:

And, however, that he shall have full power and authority to extend the time to the grantees named in the aforesaid act, or their assigns or legal representatives, for the introduction and settlement of emigrants in this Republic, to a period not exceeding five years from the first day of July next; and that he shall be authorized to prescribe the limits within which the grantees or their assigns or legal representatives shall be

permitted to introduce and settle any number of families not exceeding ten thousand, within the whole time limit prescribed; and shall be authorized to make the title and conveyance of a tract of six hundred and forty acres of land, which shall be acquired under any contract made or to be made by the President of this Republic, with the grantees, or their legal representatives, to the said grantees or their legal representatives direct: Provided, that said grantees or legal representatives, shall survey the land assigned to them as provided in the act aforesaid; and shall be required to receive such lots only as are of fair quality for agricultural purposes, and not too far situated in the interior of a prairie; and whenever they shall have completed the settlement of any number of sections, and built a corresponding number of small comfortable houses, or cabins of logs or other material thereon, and placed families therein, they shall receive from this Government to one section of six hundred and forty acres for each family so introduced and settled; and shall be required to immediately convey to the legal representative of said family not more than one hundred and sixty, nor more than six hundred and forty acres of said land; conditioned that said family shall reside on said land so conveyed, and enclose with fence and cultivate at least ten acres, for at least three years; and in default thereof, the same to this Republic:

Provided, further, that in the contract to be made by the President of this Republic with the said grantees, or with their legal representatives, they shall be required to settle on the tract prescribed, or to be prescribed, not less than at least two hundred and fifty families, reckoning from the first day of July next, and including the families which have been settled on the tract prescribed; and in default of introducing and settling such number of families, their contract shall be forfeited:

Provided, however, that they shall be allowed to introduce and settle any number of families, not exceeding ten thousand, on the same terms and conditions; and

Provided, further, that they shall be permitted to settle on sections within any limits prescribed, or to be prescribed, located previous to the time of defining such limits; and on every alternate section of six hundred and forty acres so to be conveyed to them, they shall pay into the Treasury of the public twelve dollars in specie, on receiving the title from the Government: and

d, further, that in case of forfeiture, the party shall be affected prospectively, any thing in the aforesaid act, or to the contrary notwithstanding:

d, further, that the Cherokee lands shall be exempt from provisions of this act.

ed, 16th Jan., 1843.

AN ACT

to regulate the First, Second, Fourth, Fifth and Sixth Judicial Districts.

1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That after the passage of this act, the first Judicial District public shall be composed of the counties of Galveston, Fort Bend, Austin and Matagorda; and the District Court of Matagorda shall be holden on the first Mondays in March and September, and may continue two weeks; in the county of Brazoria, on the third Mondays in March and September, and may continue two weeks; in the county of Fort Bend, on the fourth Mondays in March and September, and may continue one week; in the county of Austin, on the second Mondays after the fourth Mondays in March and September, and may continue one week; and in the county of Galveston, on the first Mondays after the fourth Mondays in March and September, and may continue until the business is disposed of.

Be it further enacted, That the second Judicial District shall be composed of the counties of Colorado, Gonzales, Bexar, and Victoria, and that the District Courts shall be holden in the county of Colorado, on the first Mondays in March and September, and may continue one week; in Gonzales county, on the second Mondays in March and September, and may continue one week; in the county of Bexar on the third Mondays in March and September, and may continue one week; in the county of Jackson, on the fourth Mondays after the fourth Mondays in March and September, and may continue one week; and in the county of Victoria, on the first Mondays after the fourth Mondays in March and September, and may continue until the business is disposed of.

Sec. 3. Be it further enacted, That the fourth Judicial District shall be composed of the counties of Goliad, Refugio, Patricio, and the District Courts shall be holden as now by law.

Sec. 4. Be it further enacted, That the sixth Judicial District shall be composed of the counties of Jefferson, Liberty, Montgomery and Harris, and the District Courts shall be holden in Jefferson county on the first Mondays in March and September, and may continue one week; in Liberty on the second Mondays in March and September, and may continue two weeks; in Montgomery, on the fourth Mondays in March and September, and may continue two weeks; in Harris, on the second Mondays in March and September, and may continue two weeks; in the fourth Mondays of March and September, and may continue until the business is disposed of.

Sec. 5. Be it further enacted, That hereafter the counties of Jasper, Sabine, San Augustine, Shelby, Nacogdoches, and Houston, shall compose the fifth Judicial District, and the District Courts for the county of Jasper, shall commence their sessions on the second Mondays in March and September, in each year, and may continue its sessions one week; in the county of Sabine, on the third Mondays in March and September, and may continue its sessions one week; in the county of San Augustine, on the fourth Mondays in March and September, and may continue its sessions three weeks; in the county of Shelby, on the fifth Mondays after the fourth Mondays in March and September, and may continue its sessions two weeks; in the county of Nacogdoches, as heretofore, on the first Mondays in May and November, and may continue in session three weeks; in the county of Russell, on the fourth Mondays in May and November, and may continue its sessions one week; in the county of Houston, as heretofore, on the first Mondays after the fourth Mondays in May and November, and may continue its sessions until the business is disposed of.

Sec. 6. Be it further enacted, That writs, petitions, and other process or proceedings, returnable at any other time than any other time, or to any other district than such as is provided in this law, shall be returnable, and triable at the time and place of the district established by this act.

Approved, 16th Jan., 1843.

AN ACT

from execution and forced sale, the property of certain persons.

1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That after the passage of this act, the property of all such persons now in the army of Texas, or as may hereafter be mustered into the service of the Republic, by virtue of the law of the land shall not be liable to forced sales, so long as he or they may be in said service.
Enacted, 16th Jan., 1843.

AN ACT

to the Chief Justice and associate Justices, the authority to issue certificates of Head-rights to Emigrants.

1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Chief Justice and associate justices shall constitute a board of commissioners for their respective counties, who shall be authorized to issue unconditional and conditional certificates for claims to lands, to all citizens of the second, third and fourth sections who arrived in the country previous to the first day of January one thousand eight hundred and forty two, who shall have resided in the Republic three years, in conformity to the laws which they emigrated.

Be it further enacted, That the said board of commissioners shall be, and they are hereby authorized to continue to issue unconditional certificates to emigrants and citizens, as provided in an act, approved January the fifteenth, one thousand eight hundred and forty one, that expired by its own limitation on the first day of October, one thousand eight hundred and forty-

Be it further enacted, That the party claiming shall pay on each certificate the sum of two dollars, which shall be divided between the clerk and the commissioners present.
Enacted, 16th Jan., 1843.

AN ACT

For the relief of the Texian prisoners captured by the
during the year one thousand eight hundred and forty

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all persons who were captured and made prisoners during the campaign of General Woll, in September last, be, and they are hereby exempted from paying taxes for the year (A. D.) one thousand eight hundred and forty two, and as long thereafter as they shall remain prisoners of war; and that the provisions of this act shall apply to Jose Antonio Navarro.

Sec. 2. Be it further enacted, That the estates of all persons who were slain under the command of Captain N. M. Dawson, or Salado, on the eighteenth of September last, be included in this act; and also all those who were slain in the county of Bexar, from the eleventh to the nineteenth of September; and when evidence has been made by the assessor to the different sheriffs, upon satisfactory evidence being given to said sheriff of the persons fallen in that unfortunate massacre, or taken prisoner, as mentioned, he, the sheriff, shall return under his hand and seal to the Treasury Department, a list of all such, with the amount of the same shall be filed, with a copy of this act, in the Treasury Department, for the exemption of the said dues for the year one thousand eight hundred and forty two.

Sec. 3. Be it further enacted, That this act take effect from and after its passage.

Approved, 16th Jan., 1843.

AN ACT

Legalizing the location of the County Site of Fannin County

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the location of a county site for the county of Fannin, as determined by the commissioners elected for that purpose by the citizens of said county, in October last, be, and the same is hereby declared to be the county site of said county, to be known and called by the name of Bois d'Arc.

Be it further enacted, That the records of the Probate, and District Courts of said county be, by their respective clerks, immediately removed to said site.

Be it further enacted, That the Post Office at Fort Ennis be removed to Bois d'Arc, and bear the name of Bois d'Arc.

Enacted, 16th Jan., 1843.

AN ACT

supplementary to an act, entitled an act to divide the County of Red River, and to create and establish the Counties of Bowie and

§ 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the third section of the above recited act, to which this is a supplement, be so amended, that all the territory comprehended within the following limits: Beginning on Red River, at Hugh B. Shaw's landing from thence due South, to the Southern boundary of Red River county; thence East, with said line, to Ferry Lake Soda; and with said lake or lakes to the boundary line between the United States and Texas; thence with said line, North of said river, and up said river with its meanders, to the place of crossing, be, and the same is hereby taken from the county of Red River, and created a new county, to be called the county

Be it further enacted, That the county seat of Bowie shall be and remain within five miles of the centre of the territory lying between Red River and the Sulphur Fork, which shall be the county seat of all the territory of Bowie county; and all the portion of said territory belonging to Bowie, South of the Sulphur Fork shall vote with, and in every other respect be subject to the jurisdiction of Bowie county.

Be it further enacted, That the third section of the above recited act, to which this is a supplement, be so amended, that the boundary line between Red River and Lamar county be continued on from the Big or main Sulphur, to the Northern boundary of old Red River county, and thence on as

described in said section; and all that portion of the territory of Lamar, lying south of the Sulphur Fork, shall vote within under the jurisdiction of Lamar county.

Sec. 4. Be it further enacted, That the county surveyors of the counties of Bowie and Lamar, shall complete the running and setting of the boundary lines between those counties and the Red River, as above recited; for which they shall receive compensation equal to that allowed other surveyors; one-third to be paid by the county of Red River on both lines, and the balance by the counties of Bowie and Lamar.

Sec. 5. Be it further enacted, That the clerks of the District and County Courts, and the county surveyor of Red River county, shall be hereby required to transmit all the documents and papers relating to the description, which belong within the territories of Bowie and Lamar, to their respective counties; and any jurisdiction exercised by the counties of Bowie and Lamar may have heretofore exercised over that portion of their territory, as designated South of the Sulphur Fork, shall be considered valid and binding, any law to the contrary notwithstanding; and that this act take effect from its passage.

Approved, 16th Jan., 1843.

AN ACT

To alter the time of holding the District Courts in the seventh Judicial District of the Republic of Texas, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, the District Courts in the seventh Judicial District shall be holden as follows: in the county of Fannin, on the first Mondays in March and September, and may continue one week; in the county of Lamar, on the second Mondays in March and September, and may continue one week; in the county of Red River, on the third Mondays in March and September, and may continue two weeks; in the county of Bowie, on the first Mondays in March and September, and may continue one week; in the county of Fannin, on the fourth Mondays in March and September, and may continue one week.

; and in the county of Harrison, on the second Mondays and fourth Mondays in March and September, and may control the business is disposed of.

Be it further enacted, That all writs, process, and other writs heretofore issued and had in and from the District Courts of several counties above named, which were returnable at the times heretofore fixed by law, shall be, and they are hereby made returnable to the said District Courts, to be held in accordance with the provisions of this act; and all parties, witnesses and jurors, are to be in attendance as though heretofore regularly summoned.

Be it further enacted, That the honorable John T. Sledge of the seventh Judicial District, have leave of absence from this Republic, during the summer vacation of the District Courts in his District for the year, (Anno Domini,) one thousand eight hundred and forty three.
Witness my hand and seal, this 16th day of January, 1843.

AN ACT

Creating the County of Rusk.

1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from the passage of this act, all that portion of the county included in the county of Nacogdoches, within the following limits: Beginning at a point due North, and sixteen miles from the mouth of the Red river; thence due North to the Sabine river; thence due East to the Attoyac creek; thence due North to the crossing of the Sabine river (tracing the last line thirty miles); hence due North to the crossing of the Sabine river; thence down the Sabine river to the crossing of the Sabine river; thence South and West, to where said trace crosses the boundary line of J. W. Adams' league; thence due South to the crossing of the Sabine river; thence with the meanders of said Attoyac, to the place where said trace crosses the Sabine river; thence due North to the crossing of the Sabine river, be, and the same is hereby constituted a county.

Be it further enacted, That the above described county be known and styled by the name of Rusk county; and the first Monday in March next is hereby set apart for the purpose of five commissioners, to select a site for the county seat.

seat of said county; and the place selected by said county shall be the county seat of said county, and shall be styled "derson"; and all voters, qualified to vote for members of said county shall be entitled to vote for said commissioners; and it shall be hereby made the duty of the said commissioners, to select a site within five miles of the center of said county.

Sec. 3. Be it further enacted, That the commissioners of said county, shall have the right to purchase, or receive by donation, a quantity of land, not exceeding six hundred and forty acres, to be to the interest of said county in erecting public buildings, and such other expenses as are incident to the same; and a majority of said board of commissioners shall have power to fill any vacancy which may occur in said board, until otherwise provided.

Sec. 4. Be it further enacted, That the county of Limestone be attached to, and form a part of the fifth Judicial District of Texas; and all causes now pending in the county, of said district, shall be transferred to said county, for trial and adjudication, after said county is formed, in which the defendants reside in said district.

Sec. 5. Be it further enacted, That on the first Monday next, any two Justices of the Peace, in said Rusk county, shall be authorized to hold an election for all county officers, in accordance with the laws now in force, regulating elections; and they shall make their returns to the Secretary of State in twenty days after the time of such election.

Sec. 6. Be it further enacted, That the Probate Judge of said county officers, of said county, shall immediately enter upon the discharge of the duties of his office, under the authority of his certificate of election, until his commission shall issue from the State Department.

Sec. 7. Be it further enacted, That the Probate Judge of said county immediately lay off said county into a convenient number of beats, and cause elections to be held immediately therein for Justices of the Peace and Constables; said elections to be held by a majority of the holders of the beat; the returns of said elections to be made in twenty days to the State Department.

Sec. 8. Be it further enacted, That the time of holding the District Court for said county, shall be on the fourth of January, April, July and October of each year; and that the time of holding the District Court of said county shall be on the fourth of ——— in each year.

Sec. 9. Be it further enacted, That the said county

after be entitled to one representative in Congress; who elected at the same time, and in the same manner, that representatives are elected in other counties of this Republic; voters of said county shall vote for a Senator as heretofore, and the same shall be made to the county of Nacogdoches; and Nacogdoches county shall hereafter be entitled to one representative in Congress; and that this act take effect from and after its passage.
Approved, 16th Jan., 1843.

AN ACT

Concerning Rents.

1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in granting a lease of lands or tenements, either at will or for years, the lessor shall have a lien upon all the property of the tenant on the premises, for the payment of the rents becoming due on such lease, whether the same is to be paid in money, cotton, or whatever else may be raised upon the rented premises; and where the rent is to be paid in corn, cotton, or other articles on the rented premises, it shall not be lawful for such tenant to remove off the premises any of such corn, cotton or other articles, until such rent is to be paid; and such lien shall continue in force so long as such tenant shall occupy the rented premises, and for three months thereafter: Provided, however, that the same shall not attach to any property for more than three months after the same shall be removed off the rented premises; and the goods, wares, and merchandize of a merchant or trader, shall be sold in good faith and removed from the premises.

Be it further enacted, That when any rent shall become due, or the tenant about to remove from such rented premises, or remove his property from such rented premises, it shall be lawful for the person to whom the rent is due, or his agent, attorney or assigns, to apply to any Justice of the Peace, in the county where the premises is situated, for a writ of attachment, to seize the property of such tenant: Provided, that the plaintiff, his agent, or attorney, shall make oath that he is entitled to be paid for rent; or shall produce a writing

from such tenant to that effect; and it shall be the duty of the Justice to issue his warrant of distress to the proper officer, commanding him to seize the property of the defendant, or so much thereof as will satisfy the demand; which warrant shall be returnable to the Justice, or to some Justice of the county; but if more than one hundred dollars, the warrant shall be returnable to the District Court, in which case it shall be the duty of the Justice to transmit the papers of said cause to the District Court, on or before the first day of the next term thereof.

Sec. 3. Be it further enacted, That it shall be the duty of the officer to whom such warrant is directed, to seize the property of such tenant, or so much thereof as shall be of value sufficient to satisfy such debt and cost; and the same in his possession to keep, (unless the defendant will replevy the same,) and to return thereof to the Court in which such warrant is returned, at the next term thereof: Provided, that if the property is of a perishable or wasting kind, the Sheriff or other officer, or the party of the defendant, may apply to the Justice issuing the warrant to any other Justice, for an order to sell such property.

Sec. 4. Be it further enacted, That it shall be the duty of the plaintiff, at the return of such warrant, to proceed to judgment in ordinary cases; Provided, that in case the return is to the District Court, the plaintiff shall not be obliged to file a return before the suing out of such warrant: and Provided, that no other formalities shall be required than those mentioned in the act; and in case the defendant does not apply, the plaintiff may apply to the Court where such judgment was rendered for a sale; which sale shall be conducted as sales under execution.

Sec. 5. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed, and that this act take effect from and after its passage.

Approved, 16th Jan., 1843.

AN ACT

in the manner in which suits shall be tried, in which the District Judges may be interested.

1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it shall be the duty of any one of the District Judges of the Republic of Texas, to change the venue upon the motion of the prosecuting attorney, in any case in which said Judge may be sitting from the county in which he may be presiding, to the adjoining county, out of his District, any law to the contrary notwithstanding.

Be it further enacted, That this act take effect and be in force from and after its passage.
Approved, 16th Jan., 1843.

AN ACT

to amend the several laws, regulating the Post Office Department.

1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the rates of postage shall be charged on all letters, newspapers, pamphlets and packages (except such as are authorized by law to be conveyed free of postage,) conveyed by the public mails. That a letter, composed of a single piece of paper, and not exceeding fifty miles, twelve and a half cents.

A letter, and not exceeding one hundred miles, twenty-five cents.
A letter, and not exceeding two hundred miles, thirty and a half cents.

A letter, and not exceeding two hundred miles, fifty cents.

A letter, composed of two pieces of paper, double the rates of postage.

A letter, composed of three pieces of paper, treble the rates of postage, &c.

A letter or package, made up and sealed in letter form, and composed of one or more pieces of paper, and weighing

one ounce, and less than two ounces, conveyed not exceeding fifty miles, quadruple the rate of a single letter for that distance; over fifty miles, and not exceeding one hundred miles, double the rate of a single letter for that distance; over one hundred, and not exceeding two hundred miles, quadruple the rate of a single letter for that distance; over two hundred miles, and not exceeding five hundred miles, quadruple the rates of single letters for that distance.

For each letter or package, made up and sealed in a single sheet of paper, whether composed of one or more pieces of paper, and weighing not more than two ounces, and less than three ounces, and conveyed not exceeding fifty miles, sextuple the rate of a single letter for that distance, and so on in like proportion.

On each ship letter, there shall be charged an additional rate of twelve and a half cents.

On letters lodged for delivery, twelve and a half cents.

On way letters, there shall be charged an additional rate of twelve and a half cents, in stead of the postage heretofore provided for by law.

On each newspaper, conveyed not exceeding one hundred and fifty miles, two cents; over one hundred and fifty miles, three cents.

On all books, or pamphlets, for each sheet, the same as for newspapers, postage.

Sec. 2. Be it further enacted, That, in payment of postage on Exchequer bills of the Government be receivable at par.

Sec. 3. Be it further enacted, That this act shall take effect from and after the thirty-first day of March, one thousand eight hundred and forty-three.

Sec. 4. Be it further enacted, That all laws and provisions of law contrary to, or conflicting with this act, be, and the same are hereby repealed.

Approved, 16th Jan., 1843.

AN ACT

Authorizing an additional compensation to be paid to the clerks of the Civil List.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the heads of Bureaux, and clerks of the various Departments, Bureaux and offices of Government (the clerks of the Houses excepted) shall, for the year eighteen hundred and forty-three, receive an additional compensation of

be allowed, each, the sum of twelve dollars and fifty
month, in addition to the salaries now allowed by law;
a sufficient amount of Exchequer bills be, and the same
appropriated to carry into effect the provisions of this

Be it further enacted, That this act take effect and be in
and after its passage.
ed, 16th Jan., 1843.

AN ACT

ize the President to accept the services of one company
ted men, to act as spies on the South Western frontier.

1. Be it enacted by the Senate and House of Repre-
of the Republic of Texas in Congress assembled, That
ent be, and he is hereby authorized to accept of the ser-
e company of mounted men, to act as spies on the South
ontier, until the provisions of an act, entitled "an act to
r the protection of the Western and South Western fron-
other purposes," can be carried into effect.

Be it further enacted, That the sum of five hundred dol-
d is hereby appropriated to carry out the provisions of

Be it further enacted, That this act take effect from and
assage.
ed, 16th Jan., 1843.

AN ACT

izing the Militia of the Counties of Robertson and Brazos.

1. Be it enacted by the Senate and House of Rep-
of the Republic of Texas in Congress assembled,
militia of the counties of Robertson and Brazos shall

hereafter constitute and compose one regiment, to be the first and second brigade, and to be styled the _____ regiment and second brigade.

Sec. 2. Be it further enacted, That the militia of the counties of Robertson and Brazos shall, each, constitute a battalion, and shall, respectively, be styled, the first and second battalions of the _____ regiment.

Sec. 3. Be it further enacted, That the said regiment shall be commanded by a Colonel, Lieutenant-Colonel, and Major, and that the Colonel and Major to be elected by the militia of Robertson county, and the Lieutenant Colonel to be elected by the militia of Brazos county.

Sec. 4. Be it further enacted, That the militia of the counties of Robertson and Brazos shall be commanded by the Colonel, and the militia of the county of Brazos shall be commanded by the Lieutenant-Colonel.

Sec. 5. Be it further enacted, That the elections for the offices of Colonel, Lieutenant-Colonel, and Major, contemplated in this act, shall take place on the first day of February next; and the Chief Justices of Robertson and Brazos counties, respectively, are hereby required to issue the writs of election:

Sec. 6. Be it further enacted, That this act be in full force and effect from and after its passage.

Approved, 16th Jan., 1842.

AN ACT

To repeal in part, an act approved July 23d, 1842, entitled "an act to regulate the collection of impost duties."

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, the act, approved July, 1842, entitled "an act to regulate the collection of impost duties," be, and the same is hereby repealed, so far as the same relates to the direct tax and impost duties.

Approved, 16th Jan., 1843.

AN ACT

the several laws regulating the Post Office Department.

1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sixth section of the act, entitled "an act to amend and to change the several laws regulating the Post Office Department approved February 6th, 1840, and all other enactments for the franking privilege, be, and the same are hereby amended that from and after the passage of this act, all letters and packages to and from the following officers of this Republic, shall be conveyed by post free of postage,—

say—

President of the Republic.

President of the Republic.

Secretary of State.

Secretary of Treasury.

Secretary of War and Navy.

Money General.

Postmaster General.

Clerk of the Bureau of the General Post Office. Members of both branches of Congress, during the time of session, and for thirty days thereafter: Provided, nevertheless, no letter or package from any public officer shall be conveyed by post, free of postage, unless he shall frank the same, by writing his name and office on the outside of such letter or package. Be it further enacted, That every printer of a newspaper may send one paper to each and every other printer of a newspaper in Texas; may send to, and receive from, printers of newspapers in foreign countries, any number of newspapers, not exceeding ten, free of postage; under such regulations as the Secretary of State may prescribe; and that all former laws, in any way conflicting with the provisions of this section, be, and the same are hereby repealed.

Be it further enacted, That it shall not be lawful for the Secretary of State, in advertising proposals for carrying the mail, to insert such advertisements more than three times, in any newspaper, unless the same may be done without cost to the advertiser.

Be it further enacted, That Post Masters are hereby authorized to frank letters, or receive letters, or newspapers free of postage.

of postage: Provided, that any one who shall frank a letter written by himself, shall be removed from office, and be fined ten dollars, for each and every offence, to be recovered by any Justice of the Peace: and any letter, or news paper, sent by the Post Master, being intended for other persons, shall pay postage.

Sec. 5. Be it further enacted; That this act shall take effect from and after its passage.

Approved, 16th Jan., 1843.

AN ACT

To provide for the more certain collection of License

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, from and after the first day of February next, that those persons who desire to pursue any vocation upon which, by the existing law, a license tax is levied, shall pay to the Treasurer of the County the amount of money due for such license; and on presenting the Treasurer's receipt, stating distinctly the vocation to be pursued, the Clerk of the County Court, he shall issue the corresponding license.

Sec. 2. Be it further enacted, That if any person shall engage in any vocation, which, by existing law, is subject to a license tax, without having first obtained said license, he shall be liable for one fourth of the amount of the annual license tax, for each and every week he, or she may be thus engaged; and in the event of default, the portion for each day, to be recovered before any Justice of the Peace, or District Court, according to the amount; one fourth of which shall be paid to the informer or prosecutor, and the balance to the County Treasury, and the balance to the Republic.

Sec. 3. Be it further enacted, That whenever information is lodged before any Justice of the Peace, on oath or affirmation, stating that there is good reason to believe that any person, or persons, have been guilty of a violation of the law, such Justice shall issue a warrant against the person or persons, complained of, notifying him or them, to appear before him forthwith, or in such time as the Justice may think proper.

cause, if any, he or they have, why judgment should not be rendered against him or them, for the penalties incurred by this act; if found to be guilty, judgment shall be rendered for the same, and costs; upon which execution may immediately issue: and that either party may appeal to the District Court, as in and by the said act, in such cases.

Be it further enacted, That where any person may desire a license for a shorter period than one year, (and not less than six months,) the Treasurer may receive the amount which shall be due for the time, adding thereto fifteen per cent.; and upon receipt, the Clerk will issue a license for the time, corresponding with the amount which has been paid.

Be it further enacted, That in no case shall the offices of Clerk and Treasurer be vested in one person; and if in any person may now be holding both of these offices, he shall no longer be Treasurer, and shall immediately account with the State for all moneys received by him.

Be it further enacted, That all laws contrary to, or inconsistent with this act, are hereby repealed.
Enacted, 16th Jan., 1843.

REPUBLIC OF THE
Department of State

I, the undersigned, Secretary of State of the Republic of the United States, do certify that the regular session of the Seventy-third Congress, first session, of the United States of America, adjourned on the sixteenth day of January, A. D. 1914, at Washington, D. C., at ten o'clock, P. M., of the thousand eight hundred and forty three.

Given under my hand and seal of office
[L. s.] at Washington, the eighteenth day of January,
 thousand eight hundred and forty three.
 ANSON

NOTE.—The laws in the foregoing volume which were returned to the President, are designated by the word "Approved;" which were returned to the State Department without his signature, by the word "Passed;" which were vetoed and passed, by the words, "Passed by a two-thirds majority."

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ABSTRACT

OF

PRIVATE ACTS AND JOINT RESOLUTIONS

PASSED BY THE SEVENTH CONGRESS.

A

Act for the relief of William Ashworth, and others," passed
y 16th, 1843—directs the Commissioner of the General Land
to issue patents, on certain conditions, to William Ashworth,
Ashworth, Aaron Ashworth, the heirs of Moses Ashworth,
d, Henry Bird, John Bird and Aaron Nelson.

B

Joint resolution for the relief of William Bryan," approved
y 16th, 1843—directs the Auditor to audit the claims of
Bryan, for \$21,859 71; one fourth part thereof to be paid
first day of January, 1845, one fourth on the first day of
y, 1846, one fourth on the first day of January, 1847, and
rth on the first day of January, 1848; and to issue to him
nding drafts, in convenient amounts, receivable, when due,
dues to the Government; and repeals the appropriation, in
said Bryan, made at the regular session of the sixth Con-

C

Act to authorize the Court of Probate of any county to
the succession of John R. Cunningham," deceased, approved
y 3d, 1843—empowers the Probate Court of any county in
ublic to grant letters of administration upon the estate of
deceased.

D

"An act for the relief of Winchester Doyle, Jackson L Muscogee Doyle, children of Nimrod Doyle," approved January 16th, 1843—invests the said children with all the rights and privileges of free citizens of the Republic.

F

"Joint resolution, repealing a part of a joint resolution for the honorable discharge of Doctor Edmund J. Felder," approved January, 1842—repeals the proviso contained in said resolution.

H

"A Joint resolution for the relief of J. Pinckney Henderson," approved January 3d, 1843—directs the Auditor to audit the accounts of said Henderson, for \$7,461, receivable for direct taxes.

"A joint resolution for the relief of Samuel Hughes, E. J. Bell and James Moore," passed January 4th, 1843—directs the Commissioner of the General Land Office to issue to the said persons, on certain conditions, a patent for a league and labor of land.

J

"An act for the relief of William J. Jones," passed January 27th, 1842—directs the Auditor to settle the accounts of the said Jones as Pay-master of the first Regiment of the second Brigade of militia, upon equitable principles.

N

"Joint resolution for the relief of Messrs. Neighbours and others," approved January 16th, 1843—directs the Auditor to audit the accounts, on certain conditions, their accounts, in favor of James W. Neighbours, agent, for \$145.

T

t resolution for the relief of Jacob Tator," passed January 13—directs the Commissioner of the General Land Office to said Tator, upon certain conditions, a patent for one league of land; and also directs the Secretary of War to James J. Weir, a warrant for 320 acres of land, for services.

W

int resolution for the relief of Elizabeth Washburn, Arm-
bennett, and others," passed January 16th, 1843—directs the
sioner of the General Land Office to issue patents, upon
conditions, to the following persons, viz: to Elizabeth Wash-
burn one league and labor; to Armstead Bennett, assignee of
Main, for one labor; to Thomas Lagow, assignee of Reuben
for one labor; to Dickerson Parker, assignee of John
Jr., for 369 acres; and to John Parker, assignee of Stephen
for one labor of land.

BY THE PRESIDENT OF THE REPUBLIC OF TEXAS
PROCLAMATION.

Whereas, by a Proclamation issued on the eleventh day of January, A. D. 1840, in contravention of law and Treaty stipulations by Mirabeau B. Lamar, (then President,) "the duties on the product of France, imported direct from any of the ports of France, in French or Texian Vessels" were abolished: And whereas, in further violation of law and Treaty stipulations, collectors of customs were required to permit all wines, as to be admitted free of duty, into any of the ports of this Republic until this proclamation shall be revoked by the President: And whereas, neither propriety, policy nor a just regard to the rights of our citizens requires the continuance of such an act on the part of any foreign power: And whereas, other Governments have justly considered the same a cause of complaint to this:—

Therefore, be it known that I, SAM HOUSTON, President of the Republic of Texas, by virtue of the power vested in me, do, hereby, solemnly revoke the said proclamation, and require the collectors of customs in the Republic to demand and receive the duties imposed upon wines, the product of France, imported into Texas, according to the rates established by law, and by the existing Treaty between the two countries: This proclamation shall be in force and take effect from and after the fifteenth day of January next.

In witness whereof, I have hereunto signed my name, and caused the great seal of the Republic to be affixed.

Done at the town of Washington, the twelfth day of December, in the year of our Independence of Texas the seventh.

[L. s.]

SAM. HOUSTON

By the President:

ANSON JONES,

Secretary of State.

THE PRESIDENT OF THE REPUBLIC OF TEXAS.

PROCLAMATION.

Whereas, by an act of Congress of the Republic of Texas, approved February 5th, 1840, the eighth section, it is provided, that persons of color shall remove out of this Republic, within six months from the passage of said act, under certain penalties: and whereas, it has been represented to me, that there are a number of honest and industrious persons of that description, who have long resided in this country for a number of years, and have heretofore conducted themselves so as to obtain the confidence and opinion of all acquainted with them, and are now anxious to be permitted to remain in the Republic for the next two years from and after the fifth day of February next:

Therefore, be it known, that I, SAM. HOUSTON, President of the Republic of Texas, in virtue of the power and authority vested in me by the constitution and the law, do, in the name and by the authority of said Republic, issue this, my proclamation, remitting the penalty of the law that might otherwise attach against them remaining in the Republic; to be in effect and operative for the term of two years from the fifth day of February next: Provided, that no person wish to obtain the benefit of this proclamation, apply to the Chief Justice of the county in which they reside, and make satisfactory proof of their good character, and also enter into bond with good surety, in the penal sum of five hundred dollars, payable to the said Chief Justice and his successors in office, for their good behavior during the term specified in this proclamation.

In witness whereof, I have hereunto signed my name, and caused the seal of the Republic to be affixed.

Done at the town of Washington, the twenty-first day of December, in the year of our Lord one thousand eight hundred and forty two, and of the Independence of Texas the seventh.

SAM. HOUSTON.

President:

JOHN JONES,

Secretary of State.

BY THE PRESIDENT OF THE REPUBLIC OF

PROCLAMATION.

To all and singular to whom these presents shall come,—

Whereas a Treaty of Commerce and Navigation, between the Republic of Texas and Great Britain, was concluded at the city of London, on the thirteenth day of November, 1823, by the Plenipotentiaries of this Republic and her Britannic Majesty, at the city of London, on the thirteenth day of November, 1823, year of our Lord one thousand eight hundred and twenty-three, the said Treaty is, word for word, as follows:

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE REPUBLIC OF TEXAS AND GREAT BRITAIN.

The Republic of Texas, and her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, being desirous of affording every facility and encouragement to the respective Citizens and Subjects, engaged in commercial intercourse with each other, have nominated as their Plenipotentiaries, to conclude a Treaty for this purposes, that is to say:—

The Republic of Texas, General James Hamilton, &c.

And Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Henry John Temple, Lord Palmerston, Baron Temple, a Peer of Ireland, a Member of Her Britannic Majesty's Most Honorable Privy Council, a Member of the British Parliament, Knight Grand Cross of the Most Honorable Order of the Bath, and Her Britannic Majesty's Principal Secretary of State for Foreign Affairs;—

Who, after having communicated to each other their respective Full Powers, found in good and due form, have agreed to conclude the following Articles:

ARTICLE I.

There shall be reciprocal liberty of Commerce and Navigation between and amongst the Citizens of the Republic of Texas, and the subjects of Her Britannic Majesty; and the

of the two countries, respectively, shall not pay, in the Harbors, Roads, Cities, Towns, or Places whatsoever, in addition to any other or higher duties, taxes, or imposts, under any names designated or included, than those which shall be paid by the Citizens or Subjects of the most favored Nation. The Citizens and Subjects, respectively, of the Two High Contracting Parties, shall enjoy the same rights, privileges, liberties, immunities, and exemptions, in matters of Commerce and Navigation, that are granted, or may hereafter be granted, in any Country, to the Citizens or Subjects of the most favored Nation.

Any duty of Customs, or other imposts, shall be charged upon the produce of one Country, upon importation by sea, and from such country into the other, higher than the duty which shall be charged upon goods of the same kind, the produce of, or imported from, any other Country; and the Republic of Texas, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, do hereby bind and engage themselves not to grant any privilege or immunity, in matters of Commerce and Navigation, to the Citizens or Subjects of any other State, which shall not be also, and at the same time, extended to the Citizens or Subjects of the other High Contracting Party, gratuitously, if the same has been in favor of that other State shall have been gratuitous; and as nearly as possible the same compensation or equivalent shall have been conditional.

ARTICLE II.

On all Vessels of Tonnage, Harbor, Lighthouses, Pilotage, Quarantine, and other similar or corresponding duties, of whatever nature, and of whatever denomination, shall be imposed in either Country, upon the Vessels, or upon any articles the growth, produce, or manufacture of the other, in respect of voyages between the two Countries, if laden, or in respect of any voyage, if in ballast, shall not be equally imposed, in the like cases, on National Vessels, and in neither country shall any duty, charge, restriction, or prohibition, be imposed upon, nor any draw-back, bounty, or other advantage, be withheld from, any goods imported from, or exported to, any Country, in the Vessels of the one Country, which shall not be equally imposed upon, or withheld from, such goods, when imported or exported in the Vessels of the other Country.

ARTICLE III.

The Citizens and Subjects of each Country shall be at liberty to go to the Ports and Harbors of the other Country, and other foreigners are allowed to enter, to unlade their goods therein, to hire and occupy Houses, and peaceably to exercise their respective Trades and Professions.

The Ships of War of both Countries, respectively, shall have the liberty to enter freely and touch at all such Ports of the other Country, into which the Ships of War of any other Nation are admitted to enter; subject, however, to the Regulations and Statutes of the respective Countries.

ARTICLE IV.

The stipulations of the present Treaty shall not be construed as applying to the Navigation and carrying Trade between the two Countries, and another situated in the Dominions of one Contracting Party, by the Vessels of the other, as far as regards Passengers, Goods, and Articles of Commerce; such Navigation and Trade being reserved by each Contracting Party to National Vessels.

ARTICLE V.

The High Contracting Parties reserve for future negotiation, such time as they may mutually agree upon, the conditions under which the Trade and Navigation shall be regulated between the Republic of Texas and Her Britannic Majesty's Colonies in Europe, Asia, Africa, and America.

ARTICLE VI.

Whereas, in the present state of Texian Shipping, the Republic of Texas would not enjoy the full benefit of the provisions of this Treaty, if no Vessel were to be admitted into British Ports as a Texian Vessel, unless it had been built within the territory of Texas; it is therefore agreed, that, within the space of eight years, to be reckoned from the date of the exchange of the Ratifications of this Treaty, any Vessel, whosoever built, being bona fide the property of, and wholly owned by, one or more Citizens of the Republic of Texas, or by the Master and three fourths of the Mariners, and at least one naturalized Citizen of the said Republic, or person

that Republic by act of the Government, as lawful citizens of the Texian Republic, to be certified according to the Laws of the Texian Republic, shall be considered as Texian Vessels:—Her Majesty Queen of the United Kingdom of Great Britain and Ireland reserves to Herself the right, at the end of the said term of eight years, to claim that the provisions of the British Navigation Act, relating to the nationality of Foreign Vessels, shall be strictly applied to Texian Vessels in British Ports.

ARTICLE VII.

Consuls and Vice-Consuls of each Country shall, within the limits of the other, enjoy all the rights, privileges, and immunities which are accorded to such Functionaries by the Law of Nations, and it is provided, that, in the Ports of each Country, respectively, the authorities shall give all due legal assistance and protection to the apprehension, safe keeping, and delivery of all detained from the Ships of War and trading Vessels of either Country, and all the powers and privileges granted in respect to the same, to which the stipulations of this Article relate, by either of the Contracting Parties to any other Nation, shall be granted to the Contracting Party to the Consuls, Vice-Consuls, Ships of War, and trading Vessels of the other.

ARTICLE VIII.

Ships of War or Merchant Vessels should be wrecked on the Coasts of either of The High Contracting Parties, such as the Vessels, or any parts thereof, and all furniture and appliances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if not all be faithfully restored to the Proprietors, upon being demanded by them, or by their duly authorized Factors; and if there be no such Proprietors or Factors on the spot, then the cargo and merchandize, or the proceeds thereof, as well as the papers found on board such wrecked Ships or Vessels, shall be delivered to the Texian or British Consul, in whose district the wreck may have taken place; and such Consul, or his Agents or Factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage which would have been payable in the like case of a wreck.

of a national Vessel; and the goods and merchandize the wreck shall not be subject to duties, unless clear sumption.

ARTICLE IX.

The exercise of the rites of religious Worship and conscience, shall be reciprocally secured to the Citizens of each Country, by the Government of the other. of sepulture shall be reciprocally accorded by each Contracting Parties to the other; and there shall be no by either Government, that shall violate the rights or limit the power of bequeathing Personal Estate by Willment.

The Citizens or Subjects of the one Country, residing in the other, shall not be liable, under extraordinary Warrants, to compulsory services, or to forced Loans; and conditions affecting the rights of Person or Property, the Jurisdiction of the one Country shall be impartially open to the Citizens or Subjects of the other.

In the event of War between the Contracting Parties, the Citizens or Subjects of the one Country, residing in the other, shall have Twelve Months, after a formal Declaration of War, to depart with their property and effects, and without any hindrance or disturbance whatsoever.

ARTICLE X.

The present Treaty, when the same shall have been signed by the President of the Republic of Texas, by and with the Advice and Consent of the Senate, and by Her Britannic Majesty, shall be binding and obligatory on the Contracting Parties from the date of its Signature; and further, until the expiration of Twelve Months after One of The High Contracting Parties shall have notified to the other an intention to terminate it.

It is further agreed, that in Twelve Months after the expiration of the said Twelve Months, the High Contracting Parties shall have received from the other a notification, this Treaty, and all the stipulations it contains, shall cease to be obligatory upon either Party.

ARTICLE XI.

present Treaty shall be ratified, and the Ratifications shall be exchanged at London, as soon as possible within the space of six months from this date.

In witness whereof, the respective Plenipotentiaries have signed the present Treaty, and have affixed thereto the Seals of their Arms.

Done at London, the thirteenth day of November, in the Year of our Lord One Thousand Eight Hundred and Forty.

J. HAMILTON. [L. s.]

PALMERSTON. [L. s.]

Whereas, the said Treaty has been duly ratified on both sides, and the respective ratifications of the same were exchanged at the City of London, on the twenty-eighth day of June, one thousand eight hundred and forty-two, by Ashbel Smith, Minister of the Affairs of the Republic of Texas, and the Earl of Aberdeen, Secretary of State for Foreign Affairs, on the part of their respective Governments:

It is therefore, be it known that I, SAM. HOUSTON, President of the Republic of Texas, have caused the said Treaty to be published, to the end that the same, and every clause and article contained therein, may be observed and fulfilled with good faith by the Republic of Texas, and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the Great Seal of the Republic of Texas to be affixed. Done at the City of Houston, this sixteenth day of September, in the year of our Lord one thousand eight hundred and forty-two, and of the Independence of Texas the Seventh.

SAM. HOUSTON.

President:

EPH WAPLES,

Acting Secretary of State.

PROCLAMATION.

Whereas a Convention between the Republic of Texas and Great Britain, was concluded and signed at London, on the 6th day of November, in the year of our Lord one thousand eight hundred and forty, by the Plenipotentiaries of this Republic and of Great Britain, duly and respectively authorised for that purpose; which Convention is, word for word, as follows:—

CONVENTION.

The Republic of Texas, General James Hamilton, &c
And Her Majesty, the Queen of the United Kingdom
of Great Britain and Ireland, the Right Honorable Henry John
Palmerston, Baron Temple, a Peer of Ireland, a Member
of Her Britannic Majesty's Most Honorable Privy Council, a Member
of Her Majesty's Parliament, Knight Grand Cross of the Most Honorable
Order of the Bath, and her Britannic Majesty's Principal Secretary
of State for Foreign Affairs:—

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ARTICLE I.

Republic of Texas agrees that if, by means of the Mediator Britannic Majesty, an unlimited Truce shall be established between Mexico and Texas, within thirty days after this Convention shall have been communicated to the Mexican Government by her Britannic Majesty's Mission at Mexico; and if, within six Months from the day on which that communication has been so made, Mexico shall have concluded a Treaty of Peace with Texas, then and in such case the Republic of Texas shall cede to the Republic of Mexico a portion, amounting to One Million Pounds of the Capital of the Foreign Debt contracted by the Republic of Mexico before the 1st of January, One thousand Eight hundred and Thirty-Five.

ARTICLE II.

The manner in which the Capital of One Million Pounds Stere of Foreign Debt, mentioned in the preceding Article, shall be paid from the Republic of Mexico to the Republic of Texas, shall be settled hereafter by special Agreement between the Republic of Texas and the Republic of Mexico, under the Mediation of Britannic Majesty.

ARTICLE III.

The present Convention shall be ratified, and the Ratifications exchanged at London, as soon as possible within the space of six Months from this date.

Witness whereof, the respective Plenipotentiaries have signed and have affixed thereto the Seals of their Arms.

At London, the Fourteenth day of November, in the Year One thousand Eight Hundred and Forty.

J. HAMILTON. [L. S.]

PALMERSTON. [L. S.]

Whereas, the said Convention has been duly ratified on both sides, and the respective ratifications of the same exchanged at the City of London, on the twenty-eighth day of June, one thousand eight hundred and forty-two, by Ashbel Smith, Minister Chargé of the Republic of Texas, and the Earl of Aberdeen, Her Majesty's Secretary of State for Foreign Affairs, on the part of the said respective Governments:

Now, therefore, be it known that I, SAM. HOUSTON, President of the Republic of Texas, have caused the said Constitution to be made public, to the end that the same, and every article thereof, may be observed and fulfilled with good faith by the Republic of Texas, and the citizens thereof.

In witness whereof, I have hereunto signed my hand, and caused the Great Seal of the Republic of Texas to be affixed. Done at the City of Austin, this sixteenth day of September, in the year of our Lord one thousand eight hundred and eighty-two, and of the Independence of Texas the tenth.

SAM. HOUSTON

By the President:

JOSEPH WAPLES,

Acting Secretary of State.

THE PRESIDENT OF THE REPUBLIC OF TEXAS.

PROCLAMATION.

and singular to whom these presents shall come,—Greeting:
As, a treaty between the Republic of Texas and Great Britain, for the suppression of African slave trade, was concluded and signed at the City of London, on the sixteenth day of November, 1845, in the year of our Lord one thousand eight hundred and forty, together with two forms of Warrants and Instructions to cruisers, to be annexed, by the Plenipotentiaries of this Republic and Her Britannic Majesty, duly and respectively authorized for that purpose, which Treaty and forms of Warrants and Instructions are, in full and true word, as follows:

TREATY BETWEEN THE REPUBLIC OF TEXAS AND
GREAT BRITAIN FOR THE SUPPRESSION OF
AFRICAN SLAVE TRADE.

Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, wishing to give fuller effect to the principles which form the basis of the Treaties which have been concluded between Great Britain and several other European powers, for the suppression of the African Slave Trade, and the Republic of Texas likewise desirous of rendering effectual the fundamental articles of her Constitution, which declares the said trade piracy, have agreed to negotiate and conclude a Treaty for the more effectual extinction of this traffic.

For this purpose the Republic of Texas and Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, have named as their Plenipotentiaries, that is to say:—The President of Texas, Gen. James Hamilton, &c. &c.; and Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Henry John, Viscount Palmerston, Baron Temple, a Peer of Ireland, a member of Her Majesty's Most Honorable Privy Council, a Member of the Order of the Bath, Knight Grand Cross of the Most Honorable Order

of the Bath, and Her Britannic Majesty's Principal Secretary of State for Foreign Affairs; who, after having communicated to each other their respective Full Powers, found in good and lawful order, have agreed upon and concluded the following articles:

ARTICLE I.

The Republic of Texas and Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, engage to prohibit the African Slave Trade, either by their respective citizens or subjects, or under their respective flags, or by means of capital ships, or to their respective citizens or subjects, and to declare piracy. And the high contracting parties further declare that any vessel attempting to carry on the slave trade shall, on being seized, lose all right to claim the protection of their flag.

ARTICLE II.

In order more completely to accomplish the object of the present treaty, the high contracting parties mutually consent that the ships of their respective navies which shall be provided with warrants and orders, according to the form in Annexed to this treaty, may visit such merchant vessels of either of the high contracting parties as may, upon reasonable grounds, be suspected of being engaged in the aforesaid traffic in slaves, or of having been fitted out for that purpose, or of having, during the voyage, which they are met with by the said cruisers, been engaged in the aforesaid traffic; and that such cruisers may detain, and carry away such vessels, in order that they may be brought into port in the manner hereinafter agreed upon.

But the above mentioned right of searching merchant vessels of either of the high contracting parties, shall be exercised only by ships of war, whose commanders shall have the rank of captain, or at least that of lieutenant in the navy, or of an officer of command shall, by reason of death or otherwise, be an officer of inferior rank, and the commander of such ship shall be furnished with a warrant according to the form annexed to this treaty, letter A, and the said right shall not be exercised within the Mediterranean sea, nor within the Straits of Europe which lie without the Straits of Gibraltar, and northward of the 37th parallel of north latitude, and v

stward of the meridian of longitude, twenty degrees west
wich; nor in the Gulf of Mexico, to the northward of the
allel of north latitude, nor to the westward of the 90th
longitude, west of Greenwich.

ARTICLE III.

f the high contracting parties reserves to itself the right
ording to its own convenience, the number of ships of
which shall be employed on the service mentioned in the
rticle of this treaty, and the stations on which such ships
ze.

ames of the ships so to be employed, and of their com-
shall be communicated by each contracting party to the
d information shall be reciprocally given by each to the
en a cruiser is moved from or to a cruising station, in
t the necessary warrants for the cruizers may be delivered
overnment of either party, as the case may be, and may,
longer wanted for use under this treaty, be returned to
nment which issued them, by the government which re-
em.

ARTICLE IV.

ately after the government which employs the cruizers
e notified to the government which is to authorize the visit,
per and names of the cruizers intended to be employed,
nts authorizing the visit shall be made out according to
annexed to this treaty, letter A. and shall be delivered
overnment authorizing the visit, to the government em-
he cruiser.

case shall the right of mutual visit be exercised upon the
war of either nation.

gh contracting parties shall agree upon a particular signal
d by those cruizers exclusively which are invested with the
visit.

ARTICLE V.

cruizers of the high contracting parties, authorized to
the right of visit and detention in execution of this
all, in all that relates to the formalities of the visit and
etention, as well as in regard to the measures to be
delivering up to the proper jurisdiction. vessels sus-

pected of being engaged in the slave trade, conform to the instructions annexed to the present treaty, letter B.

The high contracting parties reserve to themselves the right of making in these instructions, by common consent, such modifications as circumstances may render necessary.

The cruisers of the high contracting parties shall afford each other mutual assistance, on all occasions when it may be required, that they should act in concert.

ARTICLE VI.

Whenever a merchant vessel, navigating under the flag of one of the contracting parties, shall have been detained by the other, duly authorized to that effect, conform to the provisions of this treaty, such merchant vessel, as also her crew, her cargo, and the slaves who may be on board, shall be carried to such place as shall have been appointed by the contracting parties, respectively; and they shall be delivered over to the authorities appointed for that purpose by the government within whose territory such place shall be situated, to be proceeded against before the proper tribunals, as hereinafter directed.

When the commander of the cruiser shall not think proper to take upon himself to carry in and deliver up the detained vessel, he shall not entrust that duty to an officer below the rank of captain in the navy, unless it be to the officer who at the time shall be lower than third in command of the detaining ship.

ARTICLE VII.

If the commander of a cruiser of either of the contracting parties shall have reason to suspect that a merchant vessel, navigating under the flag of the other, or in company with, a ship of war of the first contracting party, has been engaged in the slave trade, and is fitted out for the said trade, he is to make known his suspicions to the commander of the ship of war, who shall proceed to visit the suspected vessel; and if the last mentioned commander shall find that the suspicion is well founded, he shall detain the vessel, together with her master, her crew, and the cargo, and the slaves who may be on board of her, to be taken into a port of his own nation, to be proceeded against before the proper tribunals, as hereinafter directed.

ARTICLE VIII.

When as any merchant vessel, detained and sent in for adjudications of annex B, to this treaty, the commander of the vessel which shall have detained her, or the officer appointed to receive her, shall deliver to the authorities appointed for that purpose a copy, signed by himself, of all the lists, declarations, and documents, specified in the instructions which are annexed to the present treaty, letter B; and the said authorities shall, in due sequence, proceed to a survey of the detained vessel and her cargo, and to an inspection of her crew, and of the slaves who may be on board, after having previously given notice of the time of survey and inspection to the commander of the cruiser, or to the officer who shall have brought in the vessel, in order that some person on his behalf, may be present thereat. A narration of these proceedings shall be drawn up in duplicate by the persons who shall have acted therein, or who shall have been present at the same; and one of the said declarations shall be delivered to the commander of the cruiser, or to the person who shall have been appointed to bring in the detained vessel.

ARTICLE IX.

No merchant vessel of either of the high contracting parties, shall be visited and detained in pursuance of the provisions of the present treaty, shall, unless proof be given to the contrary, be deemed to have been engaged in the African Slave Trade, or to have been detained for the purposes of such traffic, if any of the particulars hereinafter specified shall be found in her outfit or equipment, or to have been on board during the voyage on which the vessel was captured when captured, videlicet:

—Hatches with open gratings, instead of the close hatches usual in merchant vessels;

—Divisions or bulk-heads in the hold or on deck, in greater number than are necessary for vessels engaged in lawful trade;

—Spare plank fitted for being laid down as a second deck;

—Shackles, bolts, or handcuffs;

—A larger quantity of water in casks or in tanks,

than is requisite for the consumption of the crew of as a merchant vessel;

Sixthly:—An extraordinary number of water casks, receptacles for holding liquid; unless the master shall certificate from the custom-house at the place from which he sailed outwards, stating that sufficient security had been given by the owners of such vessel, that such extra quantity of casks and receptacles should only be used to hold palm-oil, or for other purposes of lawful commerce;

Seventhly:—A greater quantity of mess-tubs or kiddy tubs, than is requisite for the use of the crew of the vessel, as a merchant vessel.

Eighthly:—A boiler, or other cooking apparatus, of a smaller size, and larger, and fitted for being made larger, than requisite for the use of the crew of the vessel as a merchant vessel; or one boiler, or other cooking apparatus of the ordinary size.

Ninthly:—An extraordinary quantity of rice, of the Brazil manioc, or cassada, commonly called farina, of maize, Indian corn, or of any other article of food whatever, but which might probably be requisite for the use of the crew; such as maize, Indian corn, or other articles of food, not being included in the manifest, as part of the cargo for trade;

Tenthly:—A quantity of mats or matting, greater than is necessary for the use of the vessel as a merchant vessel.

Any one or more of these several things, if proved to have been found on board, or to have been on board during the voyage on which the vessel was proceeding when captured, shall be considered as *prima facie* evidence of the actual employment of the vessel in the African Slave Trade; and the vessel shall be condemned and be declared lawful prize, unless clear and testible evidence on the part of the master or owners shall be produced, to the satisfaction of the court, that such vessel was not at the time of her detention or capture, employed in some legitimate trade, and that such of the several things, above enumerated, as were found on board her at the time of her detention, or which had been found on board her during the voyage on which she was proceeding when captured, were needed for legal purposes on that particular voyage.

ARTICLE X.

A vessel detained as before mentioned, together with her master, crew, and cargo, shall be forthwith proceeded

the proper tribunals of the country to which she belongs, shall be tried and adjudged by, and according to, the establishments and laws in force in that country; and if, in consequence of such proceedings, the said vessel shall be found to have been employed in the African Slave Trade, or to have been fitted for the purposes thereof, the vessel and her equipments, and the cargo of merchandize, shall be confiscated; and the master, the crew, and the accomplices shall be dealt with conformably to the laws which they have been tried.

The said vessel shall be confiscated, the proceeds arising from her sale shall, within six months from the date of such sale, be turned into the hands of the government of the country to which the vessel belongs, to be distributed according to law among the crew and crew of the capturing ship.

ARTICLE XI.

Any of the things specified in Article IX of this treaty shall be found on board, or to have been on board, of any merchant vessel during the voyage, on which the vessel was proceeding when captured, and no compensation for losses, damages, or expenses, shall be made upon the detention of such vessel, shall, in any case, be made, either to her master, or to her owner, or to any other person interested in her equipment or lading, even though sentence of condemnation should not be pronounced against her, in consequence of her detention.

ARTICLE XII.

In all cases in which a vessel shall, under this treaty, be declared as having been engaged in the African Slave Trade, or as having been fitted out for the purposes thereof, and shall be adjudged and confiscated accordingly, the government whose cruiser captured the vessel, or the government by whose tribunal the vessel was condemned, may purchase the condemned vessel for the use of its navy, at a price to be fixed by a competent person, to be appointed for that purpose by the said tribunal, the government whose cruiser detained the condemned vessel having the first choice of purchasing her. But if the condemned vessel shall not be so purchased, the said vessel shall, immediately after the sentence of condemnation, be broken up entirely, and shall be sold in separate lots after having been so broken up.

ARTICLE XIII.

When a merchant vessel, detained under this treaty, is adjudicated before the proper tribunal, be held not to be engaged in the African Slave Trade, and not to be fitted for the purposes thereof, she shall be restored to her lawful owners; and if, in the course of adjudication, it shall be proved that she has been visited and detained illegally, or without sufficient cause of suspicion; or if it shall be proved that the visit and detention have been attended with any abuse, or with any vexatious acts, the commander of the cruiser, or the officer who boarded the said vessel, or the officer who shall have been authorized to bring her in, and under whom (as the case may be) any such vexatious acts shall have been committed, shall be liable for the costs and damages to be paid to the master and to the owners of the vessel and cargo.

These costs and damages may be awarded by the tribunal before which the proceedings against the detained vessel, her crew, and cargo, shall have been instituted: and the government of the country to which the officer whose proceedings gave rise to such award belongs, shall pay the amount of the said award within the period of one year from the date of the award.

ARTICLE XIV.

If in the visit or detention of a merchant vessel under this treaty, any abuse or vexation shall have been committed, and the vessel shall not have been delivered over to the jurisdiction of her own nation, the master of the vessel shall make a declaration, on oath, of the abuses or vexations of which he has been the subject, and of the costs and damages to which he has been subjected; and this declaration shall be made to him before the competent authorities in the first port of his own country at which he may arrive, or before the Consular Agent of his own nation at a foreign port, where the vessel shall first proceed to a foreign port, where there is no consular agent.

This declaration shall be confirmed by an examination, on oath, of the principal persons among the crew or passengers, who witnessed the visit or detention; and a formal statement of the whole shall be drawn up, and two copies thereof shall be made, one to be retained by the master, who shall forward one of them to his own government, in support of his claim for costs and damages.

understood, that if any circumstances should unavoidably prevent the master from making this declaration, it may be made by the owner, or by any other person interested in the vessel and in the cargo.

Receiving, officially, a copy of the formal statement, above-mentioned, the Government of the country to which the officer so charged with abuses and vexations shall belong, shall forthwith institute an inquiry into the matter; and if the complaint be proved true, the said government shall cause to be paid to the master, or to any other person interested either in the vessel or in the cargo, if it has been molested, or in her cargo, the proper amount of damages.

ARTICLE XV.

High contracting parties engage, reciprocally, to communicate to the other, when asked to do so, and free of expense, the proceedings instituted, and of judgments given, relative to persons visited or detained in execution of the provisions of this treaty.

ARTICLE XVI.

High contracting parties agree to ensure the immediate freedom of slaves who shall be found on board vessels detained and condemned in virtue of the stipulations of the present treaty; and, for this purpose, it is agreed that all slaves found on board a Texian vessel detained in the West Indies, shall, if the vessels be condemned by Texian tribunals, be delivered over by the Texian to the British authorities, to be conveyed, at the expense of the British Government, to some one of the British colonies in the West Indies. In regard to Texian vessels detained on the coast of Brazil or the coast of Africa, it is further agreed that, in order that the slaves found on board such vessels may not be exposed to the hardships which would attend a voyage to Texas, such slaves shall, notwithstanding any thing to the contrary in Articles VI and VII of the present treaty, be carried or sent, at once, by the commander of the British cruizer, to one of the British settlements on the coast of Africa, the vessel herself being sent on to Galveston for adjudica-

ARTICLE XVII.

The acts or instruments annexed to this treaty, and which is mutually agreed shall form an integral part thereof, are as follows:—

A. Forms of warrants to authorize, and of orders to the commanders of cruisers of either nation, in making visits and detentions on board of vessels, and in this treaty.

B. Instructions for the cruisers of the respective nations, employed, under this treaty, to prevent the African Slave Trade.

ARTICLE XVIII.

The present treaty, consisting of eighteen Articles, and the ratifications thereof shall be exchanged at London, within nine months from this date, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the sixteenth day of November, in the fourth year of our Lord one thousand eight hundred and forty.

J. HAMILTON
PALMERSTON

ANNEX A.

To the Treaty between the Republic of Texas and Great Britain, for the suppression of African Slave Trade, signed at London, November 16th, 1840.

FORM I.

Warrant, in virtue of which a cruiser of either of the contracting parties may visit and detain a merchant vessel suspected of being fitted out for the African Slave Trade, or of bearing the flag of the other, and suspected of being fitted out for it.

Whereas, by a treaty between the Republic of Texas and Great Britain, signed at London, on the 16th. of November, 1840, for the total extinction of the African Slave Trade

ated that certain cruizers belonging to the said countries
ctively, shall be authorized, under the special instructions
to annexed, to visit and detain, within particular limits, mer-
t vessels of the other contracting party, engaged in the
an Slave trade, or suspected of being fitted out for that
: and

s, the Government of ——— has thought fit that the ves-
ou command shall be one of the ——— cruizers furnished
the said special instructions, and you will accordingly re-
instructions from the said Government for your guidance
e said service;

are, therefore, authorized and empowered, by virtue of those
ions, and of this present warrant, to visit merchant vessels
he ——— flag, suspected of being engaged in the African
rade, within the limits set forth in the second article of the
d treaty, and to deal with such vessels as shall have en-
n the African Slave Trade, or shall be suspected of being
ut for that traffic, as pointed out in the said treaty, and in
structions thereunto annexed.

a under our hands, and the seal of the Office of Admiralty,
— day of ——— 18—.

(Signature.)

the Commander of the ——— ship,
the “—————”

FORM II.

r for the guidance of the commander of the cruiser of either
high contracting parties, in visiting and detaining a mer-
essel belonging to, or bearing the flag of the other.

s, by a treaty between the Republic of Texas and Great
in, signed at London, on the 16th. of November, 1840,
he total extinction of the African Slave Trade, it was
lated that certain cruizers belonging to the said countries
ctively, should be authorized, under the special instructions
to annexed, to visit and detain, within particular limits, mer-
t vessels of the other contracting party, engaged in the
an Slave Trade, or suspected of being fitted out for that
: and

s, we think fit that the vessel you command shall be one of
——— cruizers furnished with the said special instruc-

herewith, transmit to you a copy of the said treaty, and
instructions thereto annexed; and you are accordingly

authorized and empowered, by virtue of this present order the accompanying warrant from the Government of ——— visit, within the limits set forth in the second article of the said treaty, merchant vessels under the ——— flag, suspected of being engaged in the African Slave Trade, and to destroy such vessels as shall have engaged in the said traffic, or be suspected of being fitted out for that traffic, in the manner pointed out in the said treaty, instructions and warrant of capture, charge and require you to conform most strictly to all the provisions and stipulations contained therein, taking care to exercise the authority so conferred upon you in the mildest manner with every attention which is due between allied and friendly nations, and to co-operate cordially with the commanders of ——— vessels of war employed in the same service.

Given under our hands, the ——— day of ——— 18—
(Sign

To the Commander of the ——— ship,
the “———”

These forms of warrants and orders shall be annexed to the treaty signed this day between the Republic of Texas and Great Britain, for the suppression of African Slave Trade, and shall be considered as an integral part of that treaty.

In witness whereof, the respective plenipotentiaries have signed the present annex, and have affixed thereto the seals of their hands.

Done at London, the sixteenth day of November, in the year of our Lord one thousand eight hundred and forty.

J. HAMILTON,
PALMERSTON.

ANNEX B.

To the Treaty between the Republic of Texas and Great Britain for the suppression of the African Slave Trade; signed at London, November 16th, 1840.

INSTRUCTIONS TO CRUIZERS.

First.—Whenever a merchant vessel belonging to, or flying the flag of either of the high contracting parties to this treaty, shall on or after the date of this treaty, be visited by a cruiser of the other, the commanding officer of the cruiser shall, before he proceeds to take possession of the vessel, exhibit to the master of such vessel, the special order authorizing him to do so, and shall confer upon him, by exception, the right to visit her:

deliver to such master a certificate signed by himself, specifying his rank in the navy of his country, with the name of the ship he commands, and declaring that the only object of his visit is to ascertain whether the vessel is engaged in the African Slave Trade, or is fitted out for the purpose of such traffic, or has been engaged in the said traffic during the voyage in which she is met by the said cruiser. When the visit is made by an officer of a cruiser other than her commander, such officer shall not be under the rank of lieutenant in the navy, unless he be the officer who, at the time is second in command of the ship by which the visit is made, and, in these cases, such officer shall exhibit to the master of the merchant vessel a copy of the special orders above mentioned, signed by the commander of the cruiser: and shall likewise deliver to the master, a certificate, signed by himself, specifying the rank he holds in the navy of his country, the name of the commander under whose orders he is acting, the name of the cruiser to which he belongs, and the object of his visit, as herein before re-

ferred. It shall be ascertained by the visit, that the ship's papers are regular, and her proceedings lawful, the officers shall certify upon the log-book of the vessel, that the visit took place in virtue of the special orders, above mentioned; and these formalities having been completed, the vessel shall be permitted to continue her course. Secondly.—If, in consequence of the visit, the officer commanding the cruiser shall be of opinion that there are sufficient grounds for believing that the vessel is engaged in the African Slave Trade, or has been fitted out for that traffic, or has been engaged in that traffic during the voyage in which she is met with by the cruiser; he shall, in consequence, determine to detain her, and to deliver her up for adjudication, he shall forthwith cause a list to be made out, in duplicate, of all the papers found on board; he shall sign this list and the duplicate, adding, after his own name, his rank in the navy, and the name of the vessel under his command.

Thirdly.—The commander shall, in like manner, make out and sign, in duplicate, a declaration, stating the place and time of the detention, the name of the vessel, and that of her master, the names of the persons commanding her crew, and the number and condition of the slaves found on board.

Fourthly.—The declaration shall further contain an exact description of the cargo of the vessel and of her cargo.

Fifthly.—The commander of the cruiser shall, without

delay, carry or send this detained vessel, with her master, passengers, cargo, and the slaves found on board, to one of the ports or places hereinafter specified, in order that proceedings may be instituted in regard to them, conformably to the laws of the country under whose flag the vessel is sailing; and he shall deliver her to the competent authorities or to the persons who shall be specially appointed for that purpose, by the Government of the territory whose territory such port or place shall be.

Fourthly.—No person whatever shall be taken out of the vessel; nor shall any part of her cargo, nor any of the slaves on board, be removed from her until after such vessel shall be delivered over to the authorities of her own nation—except in the cases otherwise provided for in the treaty to which these instructions form an annex, or in the present instructions; the removal of the whole, or of part, of the crew, or of the slaves found on board, shall be deemed necessary, either for the preservation of their lives, or from any other consideration of humanity for the safety of the persons who shall be charged with the management of the vessel after her detention. In any such case the commander of the cruiser, or the officer appointed to bring in the detained vessel, shall make a declaration of such removal, and he shall specify the reasons for the same; and, except as otherwise provided for with respect to slaves in the said treaty, or in the instructions, the master, sailors, passengers, or slaves so removed shall be carried to the same port or place as the vessel and her cargo; and they shall be received in the same manner as the vessel, agreeably to the regulations hereinafter set forth.

Fifthly:—All Texian vessels which shall be detained by the cruisers of Great Britain in consequence of being engaged in the African Slave Trade, shall be carried and delivered up to the British jurisdiction at Galveston. But any slaves found on board of Texian vessels detained on the coast of Brazil, or on the coast of Africa, whether by a British or by a Texian cruiser, under the treaty to which these instructions form an annex, shall be carried or sent by the commander of the capturing cruiser to the nearest of the British settlements on the coast of Africa. And any slaves found on board of Texian vessels detained in the West Indies, whether by a British or Texian cruiser, under the treaty to which these instructions form an annex, shall, together with the vessel so detained, be carried and delivered up to the Texian authorities at Galveston to be disposed of, after adjudication, according to the provisions of the said treaty.

British vessels which shall be detained by the cruisers of a consequence of being engaged in the African Slave Trade, together with the slaves found on board be carried and delivered to the British jurisdiction at Bathurst on the river Gambia, off the coast of Africa; or at Port Royal in Jamaica, if the West Indies.

y:—As soon as a merchant vessel, which shall have been as aforesaid, shall arrive at one of the ports or places above, the commander of the cruiser, or the officer appointed in such detained vessel, shall forthwith deliver to the duly appointed for that purpose by the Government within the territory such place shall be, the vessel and her cargo, together with the master, crew, and passengers, and the slaves found on board, unless such slaves shall have been carried or sent to another port or place, as hereinbefore directed, and also the papers which shall have been seized on board the vessel, and one of the lists of the said papers, retaining the other in his own possession, such officer shall at the same time deliver to the said Government, one of the declarations made out in duplicate, as hereinafter specified, adding thereto a statement of any changes which have taken place, from the time of the detention of the vessel to the delivery, as well as a copy of the statement of any changes which may have taken place as above provided for.

Delivering over these several documents, the officers shall make a written statement, and on oath, an attestation of their truth.

And finally:—If the commander of a cruiser of either of the contracting parties, who shall be duly furnished with the special instructions, shall have reason to suspect that a vessel, sailing under convoy of, or in company with, a vessel of the other party, is engaged in the African Slave Trade, or has been fitted out for the purpose of that traffic, or has been engaged in the said traffic during the voyage in which she is taken by the said cruiser, he shall confine himself to communicate his suspicions to the commander of the ship of war, and he shall leave it to the latter to proceed alone to visit the suspected vessel, and to deliver her up to the jurisdiction of her own country, should he see cause for doing so.

The instructions shall be annexed to the treaty signed this day between the Republic of Texas and Great Britain, for the suppression of the African Slave Trade, and shall be considered as an integral part of that treaty.

In witness whereof, the respective Plenipotentiaries have signed the present annex, and have affixed thereto the seals of their arms.

Done at London, the sixteenth day of November, in our Lord one thousand eight hundred and forty.

J. HAMILTON
PALMERSTON

And whereas, the said Treaty as well as the forms and Instructions thereto annexed, have been ratified on the part of the said Republic of Texas, and the respective ratifications of the same exchanged on the twenty-eighth day of June, one thousand eight hundred and forty-two, by Ashbel Smith, Minister Chargé d'Affaires of the Republic of Texas, and the Earl of Aberdeen, Her Majesty's Secretary of State for Foreign Affairs, on the part of their respective Governments:

Now, therefore, be it known, that I, SAM. HOUSTON, President of the Republic of Texas, have caused the said Treaty and Instructions to be printed, and the forms of Warrants and Instructions to cruizers, to be published, to the end that the same, and every clause and article therein may be observed and fulfilled with good faith by the said Republic of Texas, and the citizens thereof.

In witness whereof, I have caused the said Treaty and Instructions to be affixed, and hereunto set my hand. Done at the City of Houston, this seventh day of September, in the year of our Lord one thousand eight hundred and forty-two, and of the Independence of Texas the seventh.

SAM. H.

By the President:

JOSEPH WAPLES,
Acting Secretary of State.

THE PRESIDENT OF THE REPUBLIC OF TEXAS.

PROCLAMATION.

and singular to whom these presents shall come,—Greeting:
 eas, a Treaty of Amity, Commerce and Navigation, between
 public of Texas and His Majesty the King of the Nether-
 as concluded and signed by the Plenipotentiaries of the
 ntries, at the Hague, on the 18th day of September, one
 d eight hundred and forty, which treaty is, word for word,
 ws:—

public of Texas and His Majesty the King of the Nether-
 , desiring to regulate the relations of Commerce and Navi-
 n between the two countries, and to consolidate and pro-
 their mutual interest by means of a Treaty of Friendship,
 merce and Navigation, have appointed Plenipotentiaries for
 purpose, namely: The President of the Republic of Texas,
 s Hamilton, Esquire; and His Majesty the King of the
 erlands, John Gisbert Baron Verstolk de Soelen, Member of
 body of Nobles of the Province of Holland, Knight Grand
 of the Orders of the Netherland Lion, of Saint Stephen of
 gary, of Nichan Istihar of the Ottoman Porte, of Christ of
 agal, of Charles III. of Spain, and of the Crown of Wertem-
 His Minister of State, holding the Department of Foreign
 rs:—who, after exchange of their respective full powers,
 d in good order, have agreed upon the following articles:

ARTICLE I.

e shall be a firm and sincere friendship between the Repub-
 exas and His Majesty the King of the Netherlands, his heirs
 ccessors, and between the citizens and subjects of the two
 without exception of persons and places.

ARTICLE II.

e shall be reciprocal liberty of commerce and naviga-
 tween and amongst the subjects of His Majesty the King

of the Netherlands and the citizens of the Republic of the said subjects and citizens respectively shall not pay in harbors, roads, cities towns or places whatsoever in either countries, any other or higher duties, taxes or imposts, whatsoever names designated or included, than those which are by the subjects of the most favored nation; and the subjects and citizens of both contracting parties shall enjoy the same privileges, liberties, favors, immunities and exemptions of commerce and navigation, that are granted or may be granted in the states of either of the two contracting parties to the subjects of the most favored nation.

ARTICLE III.

The inhabitants of both countries, respectively, shall have the same liberty and security to proceed with their ships and cargoes to all places, ports and rivers where other foreigners are at present admitted, and to remain and reside in the said possessions and states, and also to hire and use houses and warehouses for the purpose of their trade.

In like manner the ships of war of both countries respectively shall have the same liberty freely and securely to touch at all rivers and places where the ships of war of any other nation are admitted or shall in future be permitted to enter; subject to the laws and statutes of the respective countries.

In the right mentioned in this article to enter all ports and rivers is not included that of trading from port to port or coasting trade, (cabotage,) which is allowed only to national vessels.

ARTICLE IV.

Vessels of His Majesty the King of the Netherlands coming to the ports of Texas, or sailing out of the ports of Texas, and vessels of the Republic of Texas on their entry into the ports of the Netherlands, shall be subject to other or higher duties of tonnage, of light-money, charges or pilotage, quarantine, or any other affecting the vessel, than those which are paid, or shall be paid, in the vessel of the country itself.

ARTICLE V.

Goods and merchandize, whatever their origin may be,

to or exported from the ports of the Netherlands in Europe or into the ports of the Republic of Texas, in vessels of the Netherlands, shall pay no higher or other duties than shall be levied on the like goods and merchandize so imported or exported in national vessels.

Reciprocally, goods and merchandize, whatever their origin imported into or exported from the ports of the Republic of Texas from or into the ports of the Netherlands in Europe, in vessels of the said Republic, shall pay no higher or other duties than shall be levied on the like goods and merchandize so imported, or exported, in national vessels.

Drawbacks, drawbacks, or other favors of this nature which are granted in the states of either of the contracting parties, on goods imported or exported in national vessels, shall also and in like manner be granted on goods directly imported or exported in vessels of the other country, to and from the ports of the two countries, it being understood that in the latter as in the former the goods shall have been loaded in the ports from which the goods have been cleared.

ARTICLE VI.

No duty of customs or other impost shall be charged upon any goods or produce of one country, upon importation, higher than shall be charged upon goods of the same kind the produce of any other country: and His Majesty the King of the Netherlands and the Republic of Texas do hereby bind themselves not to grant any favor, privilege or immunities of commerce and navigation to the subjects of any country which shall not be also and at the same time extended to the subjects and citizens of the other contracting party, gratuitously. The concession in favor of that other state shall have been made, and on giving as nearly as possible the same compensation, in case the concession shall have been conditional. In such a case the matter will be made the object of a particular convention between the contracting parties. The Dutch liquors shall not be subjected to higher duties than those levied on the most favored nations.

ARTICLE VII.

The contracting parties agree to consider and treat respectively the vessels of the King of the Netherlands, and as vessels of the Republic of Texas, all such as being furnished by the

competent authority with a passport or sea letter, shall then existing laws and regulations be recognized as valid by the country to which they belong.

ARTICLE VIII.

The subjects of His Majesty the King of the Netherlands the Netherlands colonies, and the products of those colonies shall enjoy in Texas all the advantages which are, or shall be, granted to the most favored nations.

Reciprocally the citizens and products of Texas shall enjoy in the colonies of His Majesty the King of the Netherlands all the advantages which are or shall be granted to the most favored nations of Europe and America.

ARTICLE IX.

All traders, shipmasters and other subjects of his Majesty the King of the Netherlands shall have full liberty in the Republic of Texas to do their own business themselves or to entrust the management thereof to whomsoever they may choose, either ship-agent, broker, interpreter, and they shall not be obliged to employ any other person for that purpose, or to pay them higher salaries or wages than in similar cases are employed or paid by native Americans. In like manner buyer and seller shall be at full liberty in all cases to conclude and fix at their option, the price of imported or exported goods and merchandize of whatever kind, conforming themselves to the established laws and customs of the country. The same shall be enjoyed under the like conditions by the citizens of the Netherlands in the possessions of His Majesty the King of the Netherlands.

ARTICLE X.

In all what relates to the police of the ports, to the loading and unloading of ships, and the security of goods, merchandise, wares, the subjects and citizens of the contracting parties shall be subject to the laws and local regulations of the country where they reside.

They shall be free of all forced military service, both on land and sea, no forced loans shall exclusively be imposed upon them, their property shall be subject to no other charges, except the tax, than what is paid by the natives of the country.

ARTICLE XI.

Subjects and citizens of the contracting parties shall enjoy the most complete and constant protection with respect to their persons, houses and property. They shall have a ready access to the courts of justice, for the prosecution and defence of their rights. They shall be at liberty to employ notaries, attorneys or agents of whatever denomination, whom they may choose, and in general in the administration of justice, with regard to all that concerns the inheritance of property, by will or otherwise, and the faculty of disposing of property, by sale, gift, exchange, will or any other manner, of personal property, they shall enjoy the same privileges and freedoms as the subjects of the country where they reside: and in neither of these circumstances shall heavier taxes or charges be imposed on them than are imposed on the natives.

ARTICLE XII.

Subjects of His Majesty the King of the Netherlands, resident in the Republic of Texas, shall not be in any way molested on account of their religion; it being understood that they on their part respect that of the country, together with its constitutions and customs. They shall also have the privilege of interment in the places set apart for that purpose for the subjects of His Majesty dying in the Republic of Texas, and the funerals and burials shall in nowise be molested under any pretext. The subjects of Texas in all the possessions of His Majesty shall have the free exercise of their religion, whether in public or in private, in their own dwellings or in edifices destined for public worship, and all and everything according to the principle of union and concord established by the fundamental law of the king-

ARTICLE XIII.

In view of greater security in the intercourse between the subjects and citizens of the two contracting parties, it is more expedient, that should at any time the friendly relations that exist between them be disturbed, the merchants that reside on the coast shall be allowed six months, and those that reside inland a full year to arrange their affairs and to dispose of their

property, and they shall also receive safe conduct to whatever port they may choose.

All the other subjects and citizens residing in the territories, for the exercise of any traffic or special business, have the privilege to remain, and continue such traffic, being in any manner disturbed in the complete enjoyment of their liberty and of their property, so long as they shall conduct themselves peaceably, and not commit any offence against the country, their property and effects of whatever kind, shall not be subject to seizure or sequestration, nor to any imposition than such as occur with respect to natives.

ARTICLE XIV.

It is further agreed between the two contracting parties, that the Consuls and Vice Consuls of His Majesty the King of the Netherlands, in the ports of Texas, and reciprocally the Consuls and Vice Consuls of the Republic of Texas within the dominions of His Majesty the King of the Netherlands in Europe, shall enjoy all those rights, privileges and immunities which are accorded to such functionaries by the law of nations, and that in the ports of each country the authorities shall give all due legal assistance and aid for the apprehension, safe-keeping and delivery of persons from private or public vessels of either country, as they may be; and all the powers and privileges given by the contracting parties to other nations, shall belong to both, reciprocally in regard to the apprehension, safe-keeping and delivery of such persons.

ARTICLE XV.

In case of average or of shipwreck, the like protection and assistance shall reciprocally be afforded to the vessels of the contracting parties, as are enjoyed by the vessels of the other, in which the accident occurs.

ARTICLE XVI.

Should one of the contracting parties be at war it shall be allowed to the subjects or citizens of the other to prosecute commerce and navigation with the exception only of goods, and of such places as are actually under siege, or blockaded by belligerent powers with a force adequate to prevent neutral from entering.

ARTICLE XVII.

Contraband shall be understood guns, mortars, firearms, pistols, bomb shells, grenades, shot, muskets, flints, matches, powder, pikes, swords, accountrements, pouches, saddles, bridles, and such quantities of these articles as are necessary for the use of the vessel and the crew.

ARTICLE XVIII.

Where a merchant ship of one of the contracting parties is searched by a ship of war of the other, it is agreed that search shall only be made by a boat manned with at most six men, and that the master of the merchant vessel shall not be obliged to leave his ship, and that the papers shall not be taken from on board.

Where a merchant vessel is under convoy of a ship of war, no search shall take place, and the assurance of the commandant of the ship of war on his word of honor that the merchant vessel has no contraband on board shall be held sufficient.

ARTICLE XIX.

Where a ship of war of one of the contracting parties visits the ports of the neutral party, the vessel of war of the other, she shall not take prizes which she carries in there, shall meet with all that protection which are compatible with the law of nations.

ARTICLE XX.

Where the contracting parties should at any time mutually be attacked by a third power, it is stipulated that the ships of war of one party shall convoy the merchant vessels of the other as long as they hold the same course; that the prizes made by the ships of war of the one, shall be admitted in the ports of the other, and may be sold there, after legal adjudication, and that in case of recapture by the one of prizes made on the other by the ships of war of the other, the same shall be restored to the original owner, deducting the expenses of the vessel recapturing not more than one-eighth of the value of the prize in case the recapture was made by a ship of war, or of one-eighth if made by a privateer.

ARTICLE XXI.

The present treaty shall be in force for the term of eight years,

commencing three months after the exchange of the ratifications, and further until the end of twelve months, after which the contracting parties shall have given to the other notice in writing of intention to terminate the same: each of the contracting parties reserves to itself the right of giving such notice to the other at the expiration of the said term of eight years; and the parties have mutually agreed that in case of such notice, this treaty and the provisions thereof shall, at the end of the said twelve months, altogether cease and determine.

ARTICLE XXII.

The present treaty shall be ratified, and the ratifications shall be exchanged at the Hague, within nine months of the date of the signing of the present treaty, or sooner if practicable.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their respective governments.

Done at the Hague, this eighteenth day of September, in the year of our Lord one thousand eight hundred and forty-one.

J. HAMILTON.

VERSTOLK VAN SOELEN.

And whereas the said treaty has been duly ratified on behalf of the Republic of Texas, and the respective ratifications of the same were exchanged at the Hague, on the fifteenth day of June, one thousand eight hundred and forty-one, by the duly authorized Plenipotentiaries of the respective governments:

Now, therefore, be it known, that I, SAM. HOUSTON, President of the Republic of Texas, have caused the same to be published to the public, to the end that every clause and article thereof may be observed and fulfilled with good faith by the Republic of Texas and the citizens thereof.

In witness whereof, I have hereunto signed my name, and have caused the great seal of the Republic of Texas to be hereunto affixed.

[L. S.] Done at the town of Washington, this eighth day of January, in the year of our Lord one thousand eight hundred and forty-three, and of the independence of Texas the seventh.

SAM. HOUSTON.

By the President:

ANSON JONES.

Secretary of State.

L A W S

PASSED BY

THE EIGHTH CONGRESS

OF THE

REPUBLIC OF TEXAS

PUBLISHED BY AUTHORITY.

HOUSTON:
1844.

L A W S

OF THE

REPUBLIC OF TEXAS.

JOINT RESOLUTION

relief of Captain John C. Hays, and the company under his command.

Resolved by the Senate and House of Representatives of the State of Texas in Congress assembled, That the sum of six thousand four hundred and fifty dollars, be, and the same is hereby appropriated for the payment of Captain John C. Hays, with the company under his command, and the liabilities that have been incurred for the support of said company, while employed in the service on the South-Western frontier, during the year one thousand eight hundred and forty-three.

Be it further resolved, That the Treasurer of the Republic be, and he is hereby, authorized to pay the six thousand four hundred and fifty dollars, as appropriated by this Resolution, to Captain John C. Hays, who is hereby authorized to receive the same and to render an account of disbursements to the proper Department of the Government.

Be it further resolved, That this resolution shall take effect from and after its passage.
Passed, December 19th, 1843.

JOINT RESOLUTION

transferring a certain appropriation, therein named.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the unexpended balance of an appropriation, for the pay of

the members of the Seventh Congress, be, and the said Treasurer of the Republic be, and the said Treasurer be, authorized and required to pay said balance of said appropriation to the members and officers of both Houses of the eighth Congress, pro rata.

Sec. 2. Be it further resolved, That this Joint Resolution shall have effect from and after its passage.

Approved, December 22nd, 1843.

AN ACT

To Change the name of the Seat of Justice, in Fannin County.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, the town, at which the Seat of Justice, in the County of Fannin, shall be known as the name of Bonham.

Approved, December 22nd, 1843.

AN ACT

To provide for an extra term of the District Court for the County of Harris.

Whereas, in consequence of the sickness of the Honorable Judge of the Sixth Judicial District, the fall term of the District Court for Harris county, for the year one thousand eight hundred and forty-three, was not held, at the usual time, present, and

Whereas, the interests of suitors in said Court, and the common weal, require a speedy administration of justice, therefore

n 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the term of the District Court of Harris county shall be holden the third Monday in January, in the year one thousand eight hundred and forty-four, to be deemed and considered the fall term for the year one thousand eight hundred and forty-three.

Be it further enacted, That all writs, processes and other writs heretofore issued and had, which were made returnable the second Monday after the fourth Monday in September, in the year one thousand eight hundred and forty-three, shall be, and hereby, made returnable to the term of the said court, to be in accordance with the provisions of this act; and all parties, attorneys and jurors are required to be in attendance upon said court, as though heretofore regularly summoned to do the same.

Be it further enacted, That this act take effect from the date of its passage, and be published, forthwith, in the public

passed, December 29th, 1843.

JOINT RESOLUTION

By the Honorable Richard Morris, Judge of the first Judicial District, leave of absence until the first Monday in March next.

n 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Richard Morris, Judge of the first Judicial District, shall have leave of absence from this Republic until the first Monday in March

passed, December 29th, 1843.

AN ACT

Supplementary to an act, entitled "an act creating the County of Rusk."

Whereas, the act, creating the County of Rusk, providing for the election for Commissioners to locate the Seat of Justice, and the election of the several county officers, in and for the County of Rusk, should have been held on the first Monday in March, one thousand eight hundred and forty-three;

And Whereas, said election was held, on the first Monday in February, one thousand eight hundred and forty-three; and Whereas, Commissions have been issued to the officers of said county, and business has been transacted by the said Commissioners and officers of said County; therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the election of Commissioners to locate the Seat of Justice, and the election of County officers, in and for the County of Rusk, which was held on the first Monday in February, one thousand eight hundred and forty-three, and the official acts of said Commissioners and officers of said County, and all business of an official character transacted in the County of Rusk, are hereby declared as legal and valid in all respects, as though the election for said officers had been held on the first Monday in March, one thousand eight hundred and forty-three, as contemplated by the act, to which this is a supplementary act, in any law to the contrary notwithstanding.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, January 3d, 1844.

AN ACT

Supplementary to an act, entitled "an act to designate the boundary of Lamar County, and for other purposes," passed December the twenty-sixth, one thousand eight hundred and forty-two.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled,

Southern boundary of Lamar County be, hereby, designated
own by the following limits, to wit: beginning in the West-
ern boundary line of said County, as now established, at a point,
miles due South of the mouth of Bois'd'arc, and running a
m thence, due east, to the Eastern boundary line of said
as now established, be, and the same is hereby, declared to
Southern boundary of Lamar County.

2. Be it further enacted, That John Emberson, Claiborne
, George W. Stell, Hamlin Williams and John F. Griffin
they are hereby, appointed Commissioners, or a majority of
o locate the County Seat of Lamar County, agreeably to,
accordance with, the provisions of the second and third
s of the Act, to which this is a supplement.

3. Be it further enacted, That all that portion of terri-
ing south of the line, established by this act, heretofore,
d within the limits of said County, shall vote with, and be
he jurisdiction of, Lamar County.

4. Be it further enacted, That all laws, heretofore passed,
ould otherwise conflict with the provisions of this act, be,
e same are hereby, repealed, and that this act take effect
d after its passage.

oved, January 3d, 1844.

AN ACT

authorize the holding of the District Court, in three places,
in Liberty County, and for other purposes.

on 1. Be it enacted by the Senate and House of Repre-
es of the Republic of Texas in Congress assembled, That
istrict Courts, for the County of Liberty, shall be held at
owing places, in said County, viz: the town of Liberty, the
Swartwout and Town Bluff, upon the Neches.

2. Be it further enacted, That the District Court, to
at the town of Liberty, shall commence on the last

Monday, before the first Monday, in March and September, shall continue for one week; and the Court, to be holden at Swartwout, shall commence on the second Monday, in March and September, and shall continue one week; and the Court, to be holden at Town Bluff, shall commence on the third Monday in March and September, and shall continue one week; and process of every description, made returnable to the Court, holden at Liberty, shall be made returnable on the last Monday, before the first Monday in March.

Sec. 3. Be it further enacted, That all the business, originating in the following boundary, to wit: commencing on the Western boundary of the County of Liberty, where the Houston line strikes said River, the Neches River, where the Houston line strikes said River; thence West, along the said line of Houston, to the boundary of the County of Liberty, the judicial business of whatever description, to be done and transacted at Swartwout; thence South, along said line twenty-five miles; thence due South to the Western boundary; thence down said Creek, with the line of Jefferson County, to the Neches River; thence up said River to the beginning, at the mouth of Menard's Creek; thence East, along the line of the River, to Town Bluff; and all the business, originating in the following boundary, to wit: commencing on the East side of the County of Liberty, at the mouth of Menard's Creek; thence East, along the line of the River, to the forks of the River; thence to Lewis and Bell's ferries; thence northerly to the mouth of the Houston; thence westwardly, along the line of Houston, to the Trinity River; thence westwardly to the Eastern boundary of Montgomery County; thence South, along the line of Montgomery County, to a point, opposite the place of beginning; thence to the beginning, shall be returned to the Court, holden at Swartwout, and all the business, originating in the following portion of the County of Liberty, shall be returned to the Court, holden at the Town of Liberty.

Sec. 4. Be it further enacted, That it shall be the duty of the Sheriff, and Clerk of said County to attend said Court, and the Clerk shall cause to be kept, at said places of holding Court, a record of the proceedings thereof.

Sec. 5. Be it further enacted, That all petition, writ, or other process, issued in Liberty County, shall pray to be returnable to the Court, holden at the place of holding the Court for the District, in which the

es, and the Clerk shall so issue his summons or notice, and the Sheriff shall make his return accordingly, and all executions, and process of all descriptions, whatsoever, that may issue, by the Court, or upon the proceedings of the said Court, shall be made returnable to the place of holding the same.

6. Be it further enacted, That it shall be the duty of the Sheriff, or Assessors, of the County of Liberty, in each and every year, to return into the Clerk's Office, for each District, in this act mentioned, the name of each individual liable to serve upon juries in that District, from which the juries shall be drawn, both grand and petit, as is now provided for, by law; and it is hereby made the duty of the Sheriff, for said County, immediately after the passage of this act, to make out, as accurately as he conveniently can, a list of the names of all persons liable to serve upon juries, in each District, as specified in this act, and return the same into the Clerk's Office, at the place of holding Court for the same, from which list, the juries shall be drawn for the Courts, at each place, both grand and petit, at the place of holding the same, until the assessor returns his list, as specified in this act, and the grand juries shall be sworn to enter that portion of the body of the County of Liberty, emanating from their respective Districts.

7. Be it further enacted, That it shall be the duty of the Justice of the County of Liberty to hold a Court, once in each year, at the several places of holding the District Courts, for the transaction of Probate business, in the respective Districts, as specified, which said Courts shall be holden at Liberty, on the first Mondays in February, May, August, and November; at Town Bluff, on the second Mondays in said months; at Town Bluff, on the third Mondays in said months, in each and every year, and continue until all the business is transacted; all of which business shall be transacted without the aid of the associate Justices, and it shall be the duty of the Clerk of the County Court to attend said Courts, either by himself or a Deputy, and shall cause a record of all the proceedings of said Court to be kept at the place of holding the same.

8. Be it further enacted, That the said District Courts shall have jurisdiction of all offences against the laws of this State, that originate in the respective Districts, and shall be holden at the places of holding the Courts, in said Dis-

tricts, without the venue shall be changed to some other place, and each Clerk shall keep the necessary seals of Office in different places of holding the Courts in said County.

Sec. 9. Be it further enacted, That all the acts of the Justices of the Northern Division of Liberty, and the District of Menard, of said County of Liberty, in the appointment of Executors, Executrix's, administrators or administratrix's, Guardians, and the granting of letters testamentary, and their settlements, shall be the same, either final or partial, agreeable to the then existing laws of the Republic, as well as all the acts of the Executors, Administrators or administratrix, or guardians, agreeable to the same, in conformity with said existing laws of the Republic, shall be of full and binding effect, and in all cases where final settlement, or final settlements, had not been made, it shall be the duty of such Executors, Executrix, administrator, administratrix or Guardian, to settle the same, in conformity with the Chief Justice of Liberty County, and the duty of said Chief Justice, of said County, upon the application of such Executor, or Executrix, administrator or administrator, for re-appointment, without good cause shown to the contrary, to make such re-appointment, upon their entering into bond for the faithful execution of their duty, as the law directs.

Sec. 10. Be it further enacted, That all marriages, solemnized under license from the Clerk of the County Court of said County of Liberty, and Menard Districts, and celebrated by persons who were, otherwise, legally authorized to celebrate the rights of matrimony, but who had been elected or appointed, under the authority of said Districts, or such other person as was by law authorized to celebrate the rights of matrimony, shall be held to be of full and binding effect, from the period when they were thus solemnized, and all the issue of such marriages, are, hereby, declared to be legitimate.

Sec. 11. Be it further enacted, That all deeds, contracts, and instruments of writing, which have been duly proved and acknowledged by the proper officers of justice of such Districts, or by the proper officers, and filed for record, with the Clerk of the County Court of said Districts, shall have, from the time, when they were so filed, the same legal validity and effect, as if duly proved and recorded in the office of the Clerk of the County Court of said Liberty County, saving, however, to judgment of the Courts.

ers, without notice, all rights which they may have acquired before the passage of this act.

12. Be it further enacted, That the records of the County Clerk's office of said Districts be, by the former Clerk of the County or such other person as may have them in possession, delivered, upon oath, to the Clerk of the County Court of Liberty County, to be kept by him at the places of holding the Courts in the Districts in which said records were made.

13. Be it further enacted, That all lands, or negroes, sold by the Court of any execution, or decree, of any of the Courts, holden in Liberty County, shall be sold at the place of holding the Court in which said decree or Execution issued.

14. Be it further enacted, That this act take effect and be in force from and after its passage, and that all laws and parts thereof, contravening the provisions of this act, are hereby repealed.

Approved, January 6th, 1844.

JOINT RESOLUTION

For an appropriation for carrying the mail, until the first of March, one thousand eight hundred and forty-four.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That an appropriation of three thousand seven hundred and forty-two and thirty-six and one half cents, be made for the purpose of carrying the mails, until the first of March, one thousand eight hundred and forty-four, and that this resolution take effect from its passage.

Approved, January 6th, 1844.

AN ACT

To alter in part, and define the Northern boundary of
County of Harrison.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from the place or point, where big Cypress enters into Soda, the line shall continue through, and with the course of Lake, centreing its waters to the United States' Line.

Sec. 2. Be it further enacted, That that portion of land lying North of the line described in the preceding section was heretofore included within the County of Harrison, and the same is hereby, added to the county of Bowie.

Sec. 3. Be it further enacted, That so much of an act, titled "an act to create and establish the County of Harrison," approved January twenty-fifth, one thousand eight hundred and thirty-nine, as conflicts with the provisions of this act, be and the same are hereby, repealed.

Approved, January 8th, 1844.

AN ACT

To enforce the collection of costs in the Supreme Court of the
Republic of Texas.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, hereafter, the Clerk of the Supreme Court of this Republic shall not be bound to issue any order, process or decree of any kind to any inferior Court of this Republic, upon the final judgment of said Supreme Court, unless all the costs, due said Clerk, in said case, shall be paid him.

Sec. 2. Be it further enacted, That should said order, process or decree, be demanded by the party in said case, and be condemned to pay the costs. then, and in that event,

on paying the same, shall be entitled to demand of said execution, in his favor, against the said party, condemned the costs, for the full amount thereof, directed to the Sheriff of the County he or they may choose, and which, when collected, shall be paid over to said party.

6. Be it further enacted, That all laws and parts of laws, now in force, and the provisions of this act, be, and the same are hereby repealed.

Approved, January 8th, 1844.

AN ACT

relating to a Post Office, at Anahuac, in the County of Liberty.

1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there be a Post Office be, and is hereby, established, at Anahuac, in the County of Liberty.

2. Be it further enacted, That it shall be the duty of the Post Master, at Galveston, to deliver the Mail, for Anahuac, to the Post Office at that place; and the Post Master at Anahuac shall transport such Mail as he may think proper, by the Galveston Mail.

3. Be it further enacted, That said Mail is to be transported at the expense of the Government, except the proceeds of the sale of the land at Anahuac, which is hereby appropriated for that purpose.

4. Be it further enacted, That this act shall take effect from and after its passage.

Approved January 11th, 1844.

AN ACT

Legalizing the records of Panola County, and considering the same a part of the Records of the County of Harrison.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all business legally transacted, by the Officers of the Judicial County of Panola, shall be considered as valid and binding, as if the same had been transacted by the Officers of any County of this State.

Sec. 2. Be it further enacted, That the records of the said Judicial County of Panola shall form and constitute a part of the records of the Offices of the same kind, in Harrison County, and it shall be the duty of the proper Officers of Harrison County to get possession, as soon as practicable, of said records.

Sec. 3. Be it further enacted, That should any person refuse to give possession of said records of Panola County, refuse to deliver the same to the proper officers of Harrison County, on the demand of said Officers, by themselves or their agents, appointed for that purpose, the persons so refusing, shall, on conviction thereof, before the District Court, be fined in the sum of five hundred dollars, or imprisoned one year, at the discretion of the Court.

Passed, January 12th, 1844.

 JOINT RESOLUTION

Making an appropriation for contingent printing.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of seven hundred dollars be, and the same is hereby appropriated for the purpose of paying the contingent expenses incurred in printing, by the House of Representatives.

Sec. 2. Be it further resolved, That the sum of five hundred dollars be, and the same is, hereby, appropriated for the purpose of paying the contingent expenses incurred in printing, by the Senate.

ose of paying the contingent expenses incurred in print-
he Senate, and that this resolution take effect from and
passage.

ved January 13th, 1844.

AN ACT

the Franking Privilege to the Commissioner of the
General Land-Office and Auditor.

n 1. Be it enacted by the Senate and House of Repre-
s of the Republic of Texas in Congress assembled, That
missioner of the General Land-Office and Auditor shall
e franking privilege, on their official correspondence, as
any other public functionary of this Government.

. Be it further enacted, That the Commissioner of the
Land-Office, and Auditor, shall be released from the pay-
all postage, for which they have become liable, on their
correspondence.

. Be it further enacted, That this act shall be in force,
effect from and after its passage.

ved, January 13th, 1844.

AN ACT

and the seventeenth section of an act to reduce into one,
mend the several acts concerning executions, approved Jan-
he twenty-seventh, one thousand eight hundred and forty-

n 1. Be it enacted by the Senate and House of Repre-
s of the Republic of Texas in Congress assembled, That
provided for in said section, should the respective

appraisers fail to agree upon a third person to act as sheriff, or officer, conducting the sale, shall proceed to select, as umpire, some third person, allied to neither of the parties, by consanguinity, or affinity, and wholly disinterested, to proceed to act in the same manner as if appointed by the appraisers.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, January 13th, 1844.

JOINT RESOLUTION.

For the relief of Mrs. Angelina D. Smith

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Angelina D. Smith, widow of James Smith, late of Travis county, and administratrix of the estate of the same, be, and she is, authorized to remove and open the succession of the said James Smith in the Probate Court of Washington county, in the said county, though the said James Smith had resided in the county of Washington, at the time of his death.

Sec. 2. Be it further resolved, That the Chief Justice of the said county be required to furnish the administratrix with all the papers in the Court of Probate of Travis county, relating to the succession of said Smith, and all the papers belonging to the said succession; provided, she pay all costs that have accrued to the said present time, and the expenses that may accrue to the said present time, for a transcript of the records to be furnished by the Court of Washington County.

Sec. 3. Be it further resolved, That this joint resolution take effect from and after its passage.

Approved, January 13th, 1844.

AN ACT

the relief of the heirs of Wm. M. Eastland and others.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That real estate belonging to the successions of Wm. M. Eastland, and other Mier prisoners, who were decimated, by order of the Mexican Government, or fell in the battle of Mier, or shall have been in bondage, shall be exempted from taxation, of all kinds, for the term of five years, any law to the contrary notwithstanding; provided, the said real estate remain the property of the heirs, or of the heirs of the deceased, during said period.

2. Be it further enacted, That all persons who were made prisoners, at the battle of Mier, on the twenty-sixth December, one thousand eight hundred and forty-two, be, and they are hereby exempted from paying taxes upon all real estate, owned by them, for the term of one thousand eight hundred and forty-two, and one thousand eight hundred and forty-three, and so long hereafter as they continue to be prisoners.

3. Be it further enacted, That the benefits of this act shall be extended to the prisoners and killed during the incursion of Juan Alvarado to the city of San Antonio, in the County of Bexar, in the month of September, one thousand eight hundred and forty-two.

4. Be it further enacted, That this act shall take effect, and be in force, from and after its passage.
Approved, January 13th, 1844.

AN ACT

g the Town of Jasper, in the County of Jasper, the legal
County Seat.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Town of Jasper, in the County of Jasper, be, and is hereby

by, declared to be the legal County Seat of said County, otherwise provided for by law.

Sec. 2. Be it further enacted, That the following officers of said County shall keep their respective offices in said Town, to wit; Chief Justice, District Clerk, County Clerk, Sheriff, Surveyor and Post Master of the Post Office in the Town of said County.

Sec. 3. Be it further enacted, That this act take effect after its passage.

Approved, January 14th, 1844.

AN ACT

To amend the criminal laws of the Republic of Texas.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That hereafter, the crimes of perjury, subornation of perjury, and batteries, with intent to kill and murder, or assault with intent to commit a rape, may be prosecuted, at any time, after the commission of said offence, or offences, for a period of five years, after the commission of said offence, or offences.

Sec. 2. Be it further enacted, That all laws in this State giving to the Chief Justices of the different counties jurisdiction in cases of habeas corpus, be, and the same are hereby, repealed.

Sec. 3. Be it further enacted, That in the trials which shall hereafter take place in any of the District Courts of this Republic, in cases of capital nature, the party accused shall be entitled to two peremptory challenges, and no more; except there be more than one defendant on trial, in which event, then, there shall be allowed to each defendant on trial, as aforesaid, eight peremptory challenges, and no more.

Sec. 4. Be it further enacted, That in any criminal case which may, hereafter, be on trial, in any of the District Courts of this Republic, and if it shall appear to the presiding judge thereof, after sufficient efforts have been made, that the sparseness of the population, or other cause, a competent jury cannot be obtained, then the judge may, in his discretion, order a venire facias to be issued, and the same may be returned to any place where a competent jury can be obtained.

be obtained to try said case, in said County, then, and in
ent, it shall be the duty of said Judge, upon affidavit, in
of the District Attorney, to adjourn said case to some other
in his district, free from the same objection, and the same
ings had therein, as in other cases of a change of venue.

. Be it further enacted, That when an indictment be mis-
lost, upon the discovery of the fact, by the District Attor-
shall request the court to have the fact entered upon the
of the Court, in which case those offences which are barred
expiration of a certain time from the commission of the
shall not be barred, until the expiration of the same length
after such loss is noticed, upon the minutes of the Court.

. Be it further enacted, That this act shall take effect, and
ce, from and after its passage.

oved, January 16th, 1844.

AN ACT

establish and incorporate the Wesleyan Male and Female
College of San Augustine.

on 1. Be it enacted by the Senate and House of Repre-
es of the Republic of Texas in Congress assembled, That
tution of learning be, and the same is hereby, established,
City of San Augustine, in San Augustine County, to be
ated the Wesleyan College of San Augustine.

. Be it further enacted, That there shall be thirteen Trus-
o are hereby authorized to take charge of said College, and
ity of the whole number shall constitute a quorum to do

. Be it further enacted, That the following persons have
ly chosen Trustees of said College, and are recognized as
wit: Francis Wilson, John C. Brooks, Travis G. Broocks.
Perkins, Daniel Poe, Alexander M. Davis, F. G. Lovell, O.
n, Littleton Fowler, Henry W. Augustine, John F. Berry,
Ratcliff, John G. Love and J. Pinckney Henderson.

Sec. 4. Be it further enacted, That the Trustees and they are hereby constituted a body politic and corporate and in law, by the name of the President and Trustees of the College, and by that name they, and their successors, shall have perpetual succession and be able and capable, in and to sue, and be sued, plead and be impleaded, answer, defend and be defended, in all courts of law of this Republic, and to grant, bargain and sell or assign, tenements, goods or chattles, now belonging to said College, may hereafter belong to the same; to construct all necessary buildings for the said institution; to establish a preparatory school and a Female Department, and such other dependent as they shall deem necessary; to have the management of the finances, the privileges of electing their own officers, of all necessary committees, and to act, and do all things, for the benefit of the said Institution, in as ample a manner as any person, or body politic or corporate, can or may do, by law.

Sec. 5. Be it further enacted, That there shall be an annual meeting of the Board of Trustees in each year, at the time of the meeting of the Legislature, and that the President of said Board, shall have the power to call an occasional meeting of the Board, whenever it may be necessary to him.

Sec. 6. Be it further enacted, That the Trustees of said College shall and may have a common seal for the business of the College, and their successors, with liberty to change and alter the same from time to time, as they shall think proper, and that the aforesaid name, they and their successors, shall and may sue, and be sued, plead and be impleaded, answer, defend and be defended, in all courts of law of this Republic, and to grant, bargain and sell or assign, tenements, goods or chattles, now belonging to said College, may hereafter belong to the same; to construct all necessary buildings for the said institution; to establish a preparatory school and a Female Department, and such other dependent as they shall deem necessary; to have the management of the finances, the privileges of electing their own officers, of all necessary committees, and to act, and do all things, for the benefit of the said Institution, in as ample a manner as any person, or body politic or corporate, can or may do, by law.

Sec. 7. Be it further enacted, That the said Trustees shall have the power of prescribing the course of study to be pursued by the students, and of framing and enacting

ces and by-laws, as shall appear to them necessary, for the government of the said College, and of their own proceeding; provided, the same be not repugnant to the constitution and laws of this Republic.

8. Be it further enacted, That the head of this College be styled the President, the male instructors thereof, Professors, and the head of the Female Department, Principal of said Department; and the President and Professors, or a majority of the faculty of Wesleyan College, which faculty shall have power of enforcing the ordinances and by-laws, adopted by the Trustees, for the government of the students, by rewarding or punishing them, and finally, by suspending such of them, as after repeated admonitions, shall continue disobedient or refractory, until a meeting of a quorum of Trustees shall be had; but it shall be in the power of a quorum of Trustees, at their stated meetings, to expel any student, or students, of the said College.

9. Be it further enacted, That the Trustees shall have power, by the President, or Professors, of the said College, to grant or confer such degree or degrees, in the arts or sciences, to the students of the said College, or persons by them recommended worthy, as are usually granted, or conferred, in other Colleges, to give diplomas, or certificates thereof, signed by them, and sealed with the common seal of the Trustees of the said College, to authenticate and perpetuate the memory of such graduates.

10. Be it further enacted, That whenever any vacancy shall occur, either by death, resignation or otherwise, in the Board of Trustees, such vacancy shall be filled by the Texas annual conference of the Methodist Episcopal church, and in case such conference should hereafter be divided, then all vacancies shall be filled by the conference in which said College may be located.

11. Be it further enacted, That all necessary officers of the said institution shall be appointed by a majority of the Board of Trustees.

12. Be it further enacted, That whenever a vacancy shall occur in the Presidency, or any of the Professorships of the College, the Board of Trustees shall have the power to fill such vacancy.

13. Be it further enacted, That the Trustees shall have the power of fixing the salaries of all the officers, connected with the said institution.

ted with the College, and of removing any of them or misconduct in office, a majority of the whole number in said removal.

Sec. 14. Be it further enacted, That the lands, buildings and other property, belonging to the said College, declared to be free from any kind of public tax.

Sec. 15. Be it further enacted, That no misnomer of the College shall defeat, or annul, any gift, grant, devise to the same.

Sec. 16. Be it further enacted, That the Professor of the College, shall not be eligible to act as Trustee or Trustee of the same, and in case either or any of the Trustees may be employed to discharge any of the duties in and about the College, he or they shall resign their station of Trustee or Trustee, upon entering upon the duties assigned him or them.

Sec. 17. Be it further enacted, That when any resolution may be passed by the Board of Trustees at any or stated meeting of said Board, it shall not be considered at any called meeting of said Board to repeal or rescind such resolution, unless there is a full Board present.

Sec. 18. Be it further enacted, That this act shall be in force fifty years, subject to renewal by Congress.

Sec. 19. Be it further enacted, That this act shall be a public one, and judicially taken notice of, without further enactments.

Sec. 20. Be it further enacted, That nothing in this act shall be so construed as to allow banking privileges, or any other privileges not contemplated by this charter, and a non-compliance with the provisions of this act, or a breach of the same, shall be a forfeiture of this act or charter.

Approved, January 16th, 1844.

AN ACT

To fix the currency in which fines and forfeitures, shall be recoverable.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled,

ds, Obligations, or recognizances, hereafter made payable to public, or the President of the same, or any of the Counties, held and deemed as payable and recoverable, in gold or silver; and all fines hereafter assessed or incurred, shall be paid, Silver or Exchequer Bills, any law to the contrary notwithstanding, and that this act shall take effect from and after its

oved January 17th, 1844.

AN ACT

orize Administrators, Executors, or Guardians to purchase property, for the collection of debts in certain cases.

on 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in case where an Executor, Administrator, or Guardian is Plaintiff in execution, under which an appraisement is necessary, before a sale can be made, it shall be lawful for said Plaintiff upon the decree of the Probate Judge, authorizing the same to purchase the property which may be levied on by execution, either at public sale, or any subsequent offering, provided, that no bid shall have effect unless made by any other person, sufficiently high to make a sale under the former existing laws, and the property thus purchased shall be considered as a part of the mass of the Estate which he represents, and may be disposed of as in other cases, and this act shall take effect from its passage.
d January 18th, 1844.

AN ACT

To re-organize the District Courts of the fourth Judicial

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, that the fourth Judicial District shall be composed of the Counties, to wit: Bexar, Gonzales, Jackson, Victoria, Goliad, and San Patricio; and the District Courts for the same shall holden on the first Mondays of March, and the second Mondays of September, and may continue in session one week; in the County of Gonzales, on the third Monday of September, and the fourth Mondays of September, and may continue in session one week; in the County of Jackson on the fourth Monday of March, and the first Monday after the fourth Mondays of September, and may continue in session one week; in the County of Victoria, on the first Monday after the fourth Mondays of September, and the second Monday, after the fourth Mondays of September, and may continue in session one week; in the County of Refugio, on the second Monday after the fourth Mondays of March, and the first Monday, after the fourth Mondays of September, and may continue in session one week; in the County of Goliad on the first Monday after the fourth Mondays in March, and the first Monday after the fourth Mondays of September, and may continue in session one week; in the County of San Patricio on the first Monday after the fourth Mondays of March, and the fifth Monday after the fourth Mondays of September, and may continue in session one week; until the business is disposed of.

Sec. 2. Be it further enacted, That all process, returns, and writs, and all other business, shall be returnable, and triable, at the terms prescribed by law. And all process, returns, and writs, shall be returnable, at the terms of the Court, fixed by this Statute. And this Act shall take effect from its passage.

Passed January 18th, 1844.

AN ACT

To incorporate the Colorado Navigation Company.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be, and is hereby, established a corporate body under the name of the Colorado Navigation Company, with a capital of one hundred thousand dollars, to be divided into shares of ten dollars each; that said Corporation shall have power to sue and be sued by its said name; to have a common seal, and the same to make, alter and alter; to receive donations; to borrow money, and to hold and personal property, for the purpose of carrying out the object of this incorporation, and do any thing that any other corporate body can do, that is not incompatible with the constituted laws of this Republic.

Section 2. Be it further enacted, That books for the subscription of shares shall be opened, on the first Monday of April next, at the town of Austin, under the superintendence of James Smith, Jacob Harter, and Joseph W. Robertson, Commissioners; on the first Monday of April next at the town of Bastrop, under the superintendence of Middleton Hill, James Nicholson and Bartlet Sims, Commissioners; on the first Monday of April next, at the town of Lamar, under the superintendence of Augustus Williams, J. S. Moore, and J. H. Moore, Commissioners; on the first Monday of April next, at the town of Columbus, under the superintendence of B. Dewes, John F. Miller, and Wm. J. Jones, Commissioners; and on the first Monday of April next; under the superintendence of James W. Lann, Trowbridge Ward, and Albert Wards, Commissioners; at the town of Matagorda, or any two of the said towns, and said books shall remain open for the space of sixty days; one dollar shall be paid on each share, at the time of subscription; and that if any shares shall not be taken, within the aforesaid sixty days, the said Commissioners, at the town of Matagorda, shall be required to keep open said books until the whole shall be subscribed, and in case the whole amount of said stock shall be subscribed, within the said sixty days, the shares subscribed shall be dis-

tributed amongst the subscribers, pro rata, according to shares subscribed.

Sec. 3. Be it further enacted, That after said stock has been subscribed, the said corporate body shall be governed by its officers and by-laws as the said stock-holders may adopt, provided that nothing in such by-laws shall be contrary to, or conflict with, the Constitution of the Republic, and in the election and adoption of by-laws, each share shall be entitled to one vote, and voting, by proxy, shall be allowed.

Sec. 4. Be it further enacted, That said corporate body, by vote of a majority, may from time to time, order and direct that said capital stock to be paid, on each and every share, or any instalment, ordered to be paid, shall remain unpaid for any shares, for the space of thirty days, after the same shall become due, it shall be lawful for the officer of said corporation to sell such share, or shares, to the highest bidder, for cash.

Sec. 5. Be it further enacted, That said corporate body shall have power to clear out the channel of the river Colorado, to improve the navigation thereof, by dams, locks, and levees, from the mouth of said river, where it puts into Matamoros Bay, as far up said river as will be practicable to render the navigation safe, and shall have power to use the banks of said river, the earth and timber thereon, for that purpose, and to do all things necessary to accomplish the same.

Sec. 6. Be it further enacted, That in case, any owner of the soil or timber, on the banks of said river, shall refuse to surrender the same to the said corporate body, for sale, or that the said corporate body shall have power to appoint a commission of justice of the peace, in any of the counties through which said Colorado River runs, and where such timber and land may be needed, or used, whose duty it shall be to summon five disinterested free holders of the county, (not stockholders) to estimate the damages which such owner or owners of said river will suffer by the provisions of this act, and by the execution of the work, in this act contemplated; and it shall be the duty of the said corporate body to pay the damages so assessed to the said owner, or owners; and when the value of soil and timber shall be so assessed and paid for, as aforesaid, it shall be lawful for the said corporate body.

7. Be it further enacted, That after the whole amount of stock shall have been subscribed, it shall be the duty of the Commissioners, at the town of Matagorda, or any two of them, to call the first meeting of stock-holders, at said town, which meeting the company shall be organized, and officers elected, and by-laws established, and that thirty days' notice of such meeting shall be published in some public newspaper, printed in the Republic, and immediately after the said books, for the subscription of stock, shall have been opened, for the said space of sixty days, it shall be the duty of the Commissioners at Austin, Bastrop, Lagrange, and San Antonio, to transmit the books, the subscriptions and the money received, to the Commissioners to the town of Matagorda.

8. Be it further enacted, That after the said corporate body shall have rendered said river navigable, from its mouth, where it enters Matagorda Bay, up said river, to Elliott's Ferry, with steam-boats, the said corporate body shall have the right to charge tolls on all vessels, steam-boats, keel-boats, flat-boats, and freights, passing up and down said river, provided, that the tolls on the abovenamed crafts shall be charged toll, unless the toll is passed through a place now known as the raft on said river some twenty miles above where the said Colorado River enters Matagorda Bay.

9. Be it further enacted, That at any time after thirty years from the passage of this act, it shall be lawful for the Republic of Texas to pay to said corporate body the full amount of the expenses of clearing out the channel of said river and constructing levees, works, and of the damages that may have been assessed, under the provisions of the sixth section of this act, and upon said payment the right of said corporate body to charge toll shall cease and terminate, and this act shall become null and void.

10. Be it further enacted, That the company shall have the right to regulate all tolls for the space of five years, from and after the completion of said work, according to the provisions of the eighth section of this act, and from and after that time, it may be lawful for Congress to appoint two Commissioners to act, in conjunction with a like number of directors, of said chartered company, who shall proceed to assess the rate of toll, and if said commis-

sioners and directors cannot agree, they shall choose and if said commissioners cannot agree in selecting a President of the Republic may appoint one, whose decision shall be binding; said assessment of tolls may be had, once a year, at the discretion of Congress.

Sec. 11. Be it further enacted, That said corporate body shall be required to keep a regular set of books, in which shall be entered and kept, a correct account of the cost of the improvement of the Colorado River.

Sec. 12. Be it further enacted, That all vessels, and boats, belonging to the Government of Texas, shall pass said river free from toll.

Sec. 13. Be it further enacted, That said corporate body shall complete said work, contemplated by this act, to El Paso, within the space of five years.

Sec. 14. Be it further enacted, That said corporation shall not be permitted to issue any bill, promissory note, or other paper, to circulate as money, or deal in bills of exchange, except on the exchange of such bills of exchange as may be necessary in carrying on said work.

Approved, January 18th, 1844.

AN ACT

To change the Seat of Justice of the County of Austin.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That John Cheek, Leonard W. Groce, Jesse Burdet, John Kinney and Jesse W. Lottard be, and they are hereby appointed Commissioners to select a suitable site for the location of the Seat of Justice of the county of Austin; and said Commissioners shall have full power and authority to call on any four of them, to select said site, and obtain, by donation or otherwise, for the use of said county, not less than one hundred, nor more than two hundred

unless obtained by donation, which selection shall be without regard to the provisions of the act for the removal of County Seats of Justice, approved May the ninth, one thousand eight hundred and thirty-eight, and upon which the Seat of Justice shall be located; provided, always, that the Commissioners created by this act, shall not have power to obligate the county to pay more than two dollars, per acre, for any lands, purchased or sold, under the authority of this act, and the amount, so obligated, shall be paid by the county treasury.

2. Be it further enacted, That the said Commissioners are hereby authorized and empowered, so soon after the location of said County Seat, as practicable, to have the same divided into lots of convenient sizes, and after advertising the sale, in a public newspaper, for at least thirty days, to sell, at public auction, any number thereof, not exceeding one half the whole number of lots; and the said Commissioners, are, hereby, required to appropriate the proceeds, arising from the sale of said lots, after deducting the necessary expenses of purchasing, surveying &c., to the erection of a Court-house, Jail and such other public buildings as they may deem necessary and proper.

3. Be it further enacted, That so soon as the said County Commissioners shall have procured a house, the place, so selected, for the purpose of holding courts in, upon information of the same being given to the Chief Justice of said county, he shall require the clerks of the different courts immediately to remove all the records, documents and papers of their respective offices, to the place so selected, as aforesaid, at the expense of the county; and such courts shall be holden at the said selection; provided, however, that the removal of the different offices shall not be made till the next spring term of the District Court shall be holden at the place so selected, as aforesaid, and fixed by the former laws.

4. Be it further enacted, That the county site of said County of Austin, when located, according to the provisions of this act, shall be called and known, by the name of Kuykendall.

5. Be it further enacted, That all the lands, procured under the provisions of this act, and the proceeds, arising therefrom, shall be under the control and at the disposal of the Commissioners of the General Land Office and Revenue.

Sec. 6. Be it further enacted, That this act take effect after its passage.

Passed, January 22d, 1844.

AN ACT

To repeal the thirteenth section of an act, to amend titled "An Act to raise a public revenue by direct tax," approved February fourth, one thousand eight hundred and forty-one.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, that the thirteenth section of the aforesaid act be, and the same be, by repealed, so far as relates to the city of Matagorda, Houston and San Antonio.

Sec. 2. Be it further enacted, That this act be in force from and after its passage.

Passed, January 22nd, 1844.

AN ACT

To make an Appropriation for the payment of the Salaries of the District Attorneys, for the year 1843.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, that a sum of seventeen hundred and fifty dollars be, and the same be, hereby, appropriated, for the payment of the salaries of the District Attorneys of the Republic, from the first day of January, 1842, till first December, 1843; and this act shall take effect from and after its passage.

Approved, Jan'y 22d, 1844.

JOINT RESOLUTION

For the relief of John W. Smith.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That John W. Smith be, and he is hereby, required to audit the account of John W. Smith, for two hundred dollars, for his services as Clerk of the Board of Land Commissioners of the county of Bexar, in connection with a transcript of the testimony, had upon each certificate, by the Board of Land Commissioners, for said county, in conformity to an order of the Commissioner of the General Land Office, dated February twentieth, one thousand eight hundred and thirty-nine; and all other claims against the Government, for the services, by other persons, shall be audited in like manner, for the amount, approved by the Commissioner of the General Land Office, subject to future appropriation by Congress.
Passed, January 22d, 1844.

AN ACT

Authorizing John C. Hays to raise a Company of Mounted Gun-tyers to act as Rangers, on the Western and South-Western Frontier.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That John C. Hays is hereby authorized to raise one company of mounted men, which company shall consist of one Captain, one Lieutenant and forty privates, and that the said John C. Hays shall select the same, and the said lieutenant, shall be elected by the members composing said company; the said company shall be organized by the first day of February, A. D. one thousand eight hundred and forty-four, or as soon thereafter as practicable, and so organized and reported, shall be received by the President, for the services herein expressed.

Section 2. Be it further enacted, That each man admitted

into the service of said company, shall be well mounted and armed, at their own expense.

Sec. 3. Be it further enacted, That the said company be organized on the Western and South-Western frontier, from the county of Bexar to the county of Refugio, and westward, as the interest may require.

Sec. 4. Be it further enacted, That the Captain of said company shall receive the sum of seventy-five dollars, per month; and each private or tenant the sum of fifty dollars per month; and each soldier the sum of thirty dollars per month, while in actual service; and each member of said company shall receive pay for his services at the expiration of every two months; and the Captain of said company is, hereby, made the disbursing officer, on his giving bond, with security, to the amount of five thousand dollars, for the faithful performance of his duty.

Sec. 5. Be it further enacted, That the Secretary of the Republic be, and he is hereby authorized to draw on the Treasury every two months, in advance, in favor of the disbursing officer of said company, for such sum, as will meet the expenses, for rations and forage, and that the sum of seven thousand five hundred and forty-one dollars and sixteen cents be, and the same is hereby, appropriated, to carry into effect the provisions of this act.

Sec. 6. Be it further enacted, That the said company be organized and enrolled for the term of four months from the time of its organization, and that the President be, and he is hereby, authorized to require to retain the services of said company for a longer or shorter period should he in his judgment or opinion, believe the public interest or safety requires it, and in such event, a sum sufficient to carry the same into effect, according to the terms, and provisions, of the foregoing recited act.

Sec. 7. Be it further enacted, That this act shall take effect from and after its passage.

Approved, January 23d, 1844.

AN ACT

For the relief of Caroline Johnson.

enacted by the Senate and House of Representatives of the
e of Texas in Congress assembled, That Caroline Johnson,
of the late Amos Johnson, deceased, be, and she is hereby,
ted to withdraw the negroes, and other personal property,
ng to the estate of the said Amos Johnson deceased, from
trol and supervision of the Probate Court.

2. Be it further enacted, That previous to the withdrawal
said negroes from the control and supervision of the Probate
as provided in the first section of this act, the said Caroline
a, be, and she is hereby required, to pay off all debts due
id estate and all costs of court.

3. Be it further enacted, That the Probate Court, in which
cession of the estate of the said Amos Johnson, deceased,
n opened, be, and is hereby, prohibited, from issuing any
or the sale of any real estate, belonging to said succession,
the minority of the heirs of the said Amos Johnson, de-
but, shall hold the said real estate, as security for the faith-
formance of all the conditions of the bond filed by the said
e Johnson, as administratrix of said estate.

4. Be it further enacted, That this act take effect from and
passage.

oved, January 24th, 1844.

JOINT RESOLUTION

For the relief of George T. Holman.

on 1. Be it resolved by the Senate and House of Repre-
res of the Republic of Texas in Congress assembled, That
elling house of George T. Holman, residing on and
he dividing line between the counties of Colorado

and Fayette, be, and the same is hereby, declared for a poses within the county of Fayette, so that the said family shall be held and considered residents in said Fayette.

Sec. 2. Be it further resolved, That this resolution from and after its passage.

Approved, January 24th, 1844.

AN ACT

To repeal an act, entitled An Act to sectionize and sell the land formerly reserved for, and occupied by the Cherokee Indians, approved February 1st, 1840; also, to repeal an act, entitled An Act to provide for the survey and sale of a portion of the territory, formerly occupied by the Cherokee Indians, approved July 23d, 1842.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, the act entitled "An Act to sectionize and sell the land formerly reserved for, and occupied by, the Cherokee Indians," approved February 1st, 1840, also an act entitled "An Act to provide for the survey and sale of a portion of the territory, formerly occupied by the Cherokee Indians," approved July 23d, 1842, be, and the same are hereby, repealed.

Sec. 2. Be it further enacted, That all legal orders of survey, certificates, scrip, or bounty warrants, lawfully and properly surveyed and located, under the laws of Mexico, in said territory, be, and the same are hereby declared as valid as if located or situated in any other portion of the public domain and any such lands are hereby, placed upon the same basis and grounds as lands of a similar character, located or situated in other parts of the country, any law or act for the sale, survey, or location of any of the said lands, or any Indian treaty

ch might be construed to affect the right or title of said to the contrary notwithstanding.

. Be it further enacted, That all the lands, vacant in said , be, and the same are hereby declared subject to entry tion, and the settlers residing therein, be entitled to all unities and privileges of entry and location, allowed to residing in other portions of the public domain; and pro- nat in no instance, shall it be lawful for any non-resident e upon the land occupied and settled, bona fide, by any citizen, in the aforesaid district or country.

. Be it further enacted, That an act entitled "An Act a donation of land to actual settlers on or near the Mili- d on the northern frontier," approved January 21st, 1841, the same is hereby, repealed; and that all legal locations eys, heretofore made, north of said road, are, hereby, vali-

. Be it further enacted, That this act shall take effect, n force from its passage.
ved, January 27th, 1844.

JOINT RESOLUTION

relief of Richard West, Deputy Collector at the Port of
La Baca.

, Samuel W. Fisher, in the year one thousand eight hun-
nd forty-one, imported into the Republic of Texas, goods
ne duties on which amounted to the sum of four hundred
vo dollars and five cents, and
, the said Samuel W. Fisher paid the said duties to the
nment, as required by law, and subsequently re-shipped the
to the United States of North America to prevent them
falling into the hands of the public enemy; and
, the said Samuel W. Fisher, subsequently imported the
goods &c. into Port La Baca, and

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Richard West and his securities be, and they are hereby declared exempt from liability to the Government, for the sum of four hundred and two dollars and five cents.

Approved, January 27th, 1844.

To incorporate Herman's University.

Sec. 2. Be it further enacted, That the President of the University shall be elected every four years, and must be a resident of the said University.

Sec. 3. Be it further enacted, That the number of members shall not exceed twelve, nor be less than seven, and a majority shall form a quorum, with power to elect a President, who shall have the right to choose their President, to choose a Treasurer and a Secretary, to establish and fill

to fix the location of the University, to receive and pay out moneys due to and by said University, to fill vacancies in their faculty, and to pass by-laws, not contrary to this act, nor to the Constitution of this Republic; they shall have a common seal, and may make, and alter the same at pleasure, which, with the signature of the President shall be evidence of their acts.

4. Be it further enacted, That the subscribers shall contribute such moneys as shall pay to the Treasurer of said University a sum of fifty dollars, or shall convey to the aforesaid President and Trustees fifty acres of land held under a grant of said Republic, and of the proper authorities before the declaration of Independence, and upon the joint application of any ten of them, the Trustees shall call a meeting of the subscribers; notice thereof shall be given in a public gazette at least one month previous to the meeting, and be appointed therefor, and shall lay before the same a full and correct statement of all the lands and other property belonging to said University, of their annual rents and profits, and of all monies received and expended by them, whence received and for what purpose.

5. Be it further enacted, That after the expiration of five years from the passage of this act, the President and Trustees shall have the right to sell, mortgage or otherwise hypothecate no more than one-tenth of all the lands belonging to said University, during any one year, and then only after such sale, mortgage or hypothecation has been approved by a meeting of the subscribers.

6. Be it further enacted, That the said President and Trustees shall establish the necessary preparatory schools, and shall have the right to establish four faculties, one Theological, one Law, one Medical, and one Philosophical, and the Professors of any one of these faculties shall have the right to prescribe the course of studies which shall be pursued, subject, however, to the sanction by a unanimous vote of the President and Trustees of said University, and they are hereby empowered to grant such degrees as are usually granted by similar institutions in the United States and Germany.

7. Be it further enacted, That no person shall be eligible for a professorship in said University, who does not understand both the German and English languages, unless by a unanimous vote of the Trustees, such qualification shall be disregarded.

Sec. 8. Be it further enacted, That no religious or test of any kind, whatever, shall be requisite, in order to be a Trustee, Professor, Instructor, or Student, in said University, and the Theological faculty shall never be styled by any singular religious confession, but Protestant Faculty.

Sec. 9. Be it further enacted, That the lands, public and other property, belonging to the Herman's University, shall be hereby declared to be free from any kind of public tax.

Sec. 10. Be it further enacted, That the President and Trustees of said University shall have Corporate jurisdiction within a half mile in any direction from said University to suppress and abate nuisances; they shall have power to levy and exact fines of not less than twenty-five, nor more than one-hundred dollars, upon all retailers of spirituous liquors within said jurisdiction, who are not sued for, before any Court, having jurisdiction, and upon judgment, shall be collected as other fines in the Republic, and the proceeds thereof, shall be paid over to the Treasurer for the use and benefit of the University.

Sec. 11. Be it further enacted, That the location of said University shall be at some place to be designated by the President and Trustees, near Mill Creek or Cummins Creek.

Sec. 12. Be it further enacted, That the aforesaid President and Trustees are, hereby, authorised to locate and have surveyed for the use of said University, one league of any vacant land in the Republic of Texas, and the Commissioner of the General Land Office is hereby required to issue a patent for said land, and the survey thereof shall have been made, according to law.

Approved January 27th, 1844.

AN ACT

Supplementary to "An Act regulating the sale of Runaway Slaves," approved January fifth, one thousand eight hundred and forty-one.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it shall be lawful, hereafter, for any person, or persons, to apprehend and commit to jail any runaway slave.

on or west of the San Antonio River, to demand and receive the sum of fifty dollars for each and every slave, so apprehended; provided, said slave, or slaves be so secured that the property be safely to the possession of the owner, to be paid upon delivery of such slave or slaves to the owner thereof, or his authorized agent; and the person, or persons, apprehending such runaway slaves, shall have a lien on the same, until the reward thereon, as aforesaid, be paid.

2. Be it further enacted, That in all cases where any slave or slaves shall be apprehended and delivered to the owner at his residence, it shall be lawful for the person, apprehending and delivering such slave or slaves, to demand and receive, for each slave so apprehended and delivered, in addition to the sum specified in the first section, the further sum of two dollars for every thirty miles of travel in going to, and returning from, the residence of the owner, the distance to be computed over the shortest route available at the time, and to have a lien upon the slave, or slaves, until payment of the same, as provided for in the first section of this act.

3. Be it further enacted; That the provisions of the second section of this act shall extend to persons apprehending runaway slaves in any part of the Republic, provided, said slaves are delivered to the apprehender to the owner thereof, at his or her residence.

4. Be it further enacted, That if no owner appears and claims such slave or slaves so apprehended, and the same be sold by the sheriff, the provisions of the act to which this is a supplement, then in that case, it shall be the duty of the sheriff to pay over to the person, or persons, apprehending such slave, or slaves, the reward prescribed by the provisions of the first section of this act; and that the sheriff shall take, in writing, the testimony on oath of the claim to the reward is admitted, and that the same be filed in the office of the Clerk of the County Court.

5. Be it further enacted, That this act take effect and be in force from and after its passage.
Approved, January 27th, 1844.

AN ACT

Supplementary to "An Act to locate a Road from W
the Sabine River," approved December fourteenth
and eight hundred and thirty-nine.

Section 1. Be it enacted by the Senate and Hou
sentatives of the Republic of Texas in Congress asse
C. C. Hart, of Jasper county, Arthur Garner, of Lib
and Jospeh Lindley, of Montgomery county, are, here
ed Commissioners to lay off, and mark out, said roa
they shall receive no compensation, unless the count
which the road may pass, should choose to compensa
said road shall be opened in the counties of Liberty
by said counties, sufficiently wide for carriages to pas

Sec. 2. Be it further enacted, That such parts of
comes in contact with this act be, and the same ar
pealed, and that this act take effect from and after its

Approved January 27th, 1844.

AN ACT

To provide for the carrying of the Public Mails,
one thousand eight hundred and forty-four, and est
Rates of Postage.

Section 1. Be it enacted by the Senate and Hou
sentatives of the Republic of Texas in Congress asse
the Secretary of State, is, hereby, authorized an
to cause the transportation of mails, on proper
through this Republic, in such a manner, that the
tice in each county (except the counties of San
fugio, and Goliad) shall have a weekly mail. H
be empowered to establish such other routes o
mails may be transported each week, or each forty

interest may require; provided, the revenue on such other shall have a probability of amounting to one-fourth part cost of transportation on the same.

2. Be it further enacted, That the cost of transporting any mail shall not exceed ten dollars, per mile, and the cost of transporting a mail each fortnight, shall not exceed seven dollars and fifty cents per mile; and in establishing any post-route and those necessary for giving the county seats a weekly mail as above-specified, the expenses shall not go beyond the amount that may be allowed in the general appropriation for carrying the mail for the year one thousand eight hundred and forty-four.

3. Be it further enacted, That all contractors for carrying the mail on routes that may be thus established, shall, whenever they are carrying the mail, from any cause whatsoever, for one week, pay out of their pay, one-half of the amount they should receive for carrying that mail for one week, and if they fail more than one week, at one time, they shall forfeit all pay for the time.

4. Be it further enacted, That the following rates of postage shall be established, to wit: each single letter, distance less than one hundred miles, twelve and a half cents; each single letter, distance one hundred miles and upwards, twenty-five cents; each treble letter, double the above rates: each treble letter, treble the above rates, and each packet of one ounce, quadruple the above rates, and any larger packet in proportion according to its weight. On letters six and one-quarter cents; way letters, six and one-quarter cents. On newspapers, conveyed one hundred miles and upwards, one cent; over one hundred miles, two cents, and on foreign newspapers, one cent, in addition to the foregoing rates; on books and pamphlets, per sheet, the same as newspapers. The postage shall be paid in gold, silver, or exchequer bills, and the post-masters shall make quarterly returns to the Secretary of State.

5. Be it further enacted, That the contracts for carrying the mails, shall be let out in the mode heretofore adopted, and each contractor as well as each post-master, shall be required to give sufficient bond, with two or more good securities, conditioned for the faithful performance of their duties, and the bond shall be filed in the office of the Secretary of State,

and be sued upon, for the recovery of damages, whenever sons so bound shall become delinquent.

Sec. 6. Be it further enacted, That the mail run from Nacogdoches to Henderson, in the county of Rusk, be continued to Marshall in the county of Harrison, weekly, as other

Sec. 7. Be it further enacted, That there may be appointed in New Orleans, whose duty it shall be to assemble and forward all letters, keep a mail-bag in his office, and shall receive compensation for all trouble and expense, to the amount of one hundred and fifty dollars.

Sec. 8. Be it further enacted, That this act shall take effect and be in force from and after the first day of March

Approved, January 27th, 1844.

AN ACT

To repeal certain Loan-Laws.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all laws authorizing the President to negotiate a loan or to pledge either the public faith or the hypothecation of the public lands, be, and the same are hereby, repealed, and that this act shall take effect from and after its passage.

Approved, January 27th, 1844.

AN ACT

end at act entitled "An act to organize the Militia in the counties of Robertson and Brazos," approved January sixteenth, thousand eight, hundred and forty-two.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That each of the third and fourth sections of the act to which this amendment as relates to the election of Colonel, to command militia in said counties be, and the same is hereby, repealed.

2. Be it further enacted, That when any vacancy may occur in the office of Colonel, to command said militia, that the county of the counties of Robertson and Brazos, shall be entitled to elect a Colonel to command said militia, and that the county of Robertson shall be entitled to elect the Lieutenant-Colonel, and the county of Brazos Major, in like manner, any law to the contrary notwithstanding, and that this act take effect from and after its passage.

Approved January 27th, 1844.

AN ACT

to continue in force an act entitled "An Act for the relief of the purchasers of Lots in the City of Austin and upon the Town Tract adjoining," approved sixteenth January, one thousand eight hundred and forty-three.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the provisions of an act entitled, "An Act for the relief of the Purchasers of Lots in the City of Austin and on the Town Tract adjoining," approved sixteenth January, one

thousand eight hundred and forty-three, be, and the same shall be, declared in force twelve months from and after the passage of the foregoing recited act, and that this act take effect after its passage.

Approved January 27th, 1844.

AN ACT

To change, in part, the times of holding the District Courts in the Fifth and Seventh Judicial Districts.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the District Courts for the county of Sabine, shall commence their sessions, on the first Mondays of March and September, and may continue their sessions, one week; in the county of Jasper, on the second Mondays in March and September, and may continue their sessions, one week; in the county of San Augustine, on the first Mondays of March and September, and may continue their sessions, three weeks; in the county of Shelby, on the third Mondays of March and September, and may continue their sessions, two weeks; in the county of Rusk, on the first Mondays of May and November, and may continue their sessions one week; in the county of Nacogdoches, on the first Mondays of May and November, and may continue their sessions, two weeks; and in the county of Houston, on the first Mondays of May and November, and may continue their sessions, one week.

Sec. 2. Be it further enacted, That the District Courts for Fannin, Lamar, and Red River, shall commence their sessions and terminate, as now provided by law, and the District Courts of Bowie county, shall commence their sessions on the first Monday, after the fourth Mondays of March and September, and may continue their sessions, one week; and in the county of Harrison, on the third Monday of March and September, and may continue their sessions, one week.

th Mondays in March and September, and may continue sessions until the business is disposed of.

3. Be it further enacted, That all writs, petitions or any process or proceedings, returnable at any other time, or to any other term, than such as are fixed by this law, shall be returnable, and triable, at the times fixed by this act, and that immediately after the passage of this act it shall be the duty of the Governor of State, to have the same published in the National Intelligencer, a newspaper in the town of Washington for three successive weeks.

4. Be it further enacted, That this act shall take effect, from and after its passage.
Approved, January 27th, 1844.

A JOINT RESOLUTION

For the relief of Susannah and Thomas Jackson as Mail-Contractors for 1838 and 1839.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it be the duty of the sheriff of Sabine county to receive the Auditor's certificate for four hundred dollars, No. 336, in favor of Susannah and Thomas Jackson for services as mail-contractors for the years 1838 and 1839, which said Auditor's certificate is dated February 2, 1840, in payment of any direct taxes due in said county, at the time that exchequer bills are received for the same.

2. Be it further resolved, That it shall be the duty of the Secretary of the Treasury immediately after the passage of this resolution to endorse, on said Auditor's certificate, an order on said sheriff, to the effect as contained in the first section of this joint resolution, and this joint resolution shall be in full force from and after its passage.
Approved January 30th, 1844.

AN ACT

To repeal all laws now in force, authorizing the President to make Colonization Contracts, and to forfeit such as have been made, where the conditions have not been strictly complied with.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all laws now in force, authorizing the President to make contracts with individuals, or companies, for the purpose of colonizing and settling portions of the unappropriated lands of the Republic, and the same are hereby, repealed.

Sec. 2. Be it further enacted, That all such contracts made, the conditions of which have not been strictly complied with, or hereafter fail to be complied with, are declared forfeited, and no extension of time or privilege is granted to said contractors for the purposes of carrying out their contracts into effect.

Sec. 3. Be it further enacted, That no further contracts shall be made by the President with such individuals, who have already made contracts for the purposes above mentioned, whereby, any further time, privileges, or facilities, may be granted to said contractors, and the "joint resolution to modify the provisions of an act, entitled 'an act granting land to emigrants,' approved January 16th, 1843," so far as the same relates to the prospective action of the President, in regard to modifying said contracts, or extending the time, as now embraced, in said contracts, whereby the privileges of said company, or their representatives, mentioned in said joint resolution, are increased, be and the same is hereby, repealed.

Sec. 4. Be it further enacted, That it shall be the duty of the Attorney-General, under the directions of the President, to ascertain as fully as possible all the proceedings of said contractors, so far as they have complied with their conditions, and in what respects they have failed, and report fully, on said subject, to the Congress of the Republic, in order that they may take such action thereon as they may think proper.

Sec. 5. Be it further enacted, That it shall be the duty of the

resident, whenever he ascertains that any of the colonization contracts, heretofore made, have been forfeited by a failure to comply with all their provisions, on the part of the contractors, to issue a proclamation to that effect, immediately.

6. Be it further enacted, That this act shall be in force, from and after its passage.

Approved by a constitutional majority January 30th, 1844.

AN ACT

to provide for fixing the County Seat of Justice for the County of Washington.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the fourth Saturday of February, one thousand eight hundred and thirty-four, be fixed as the day for the holding of an election in the County of Washington for the selection of a suitable place for the permanent location of the County Seat of Justice for said county; and shall be the duty of the Chief Justice of said county, immediately after the passage of this act, to give public notice of said election in the *National Vindicator*, and to issue orders for the holding of said election to the different precincts, at least ten days before said election.

2. Be it further enacted, That it shall be the duty of the Chief Justice to receive and make public, by publication in the *Vindicator*, such propositions as may be offered by citizens of said county as inducements in favor of the selection of places recorded as suitable locations for the county seat of said county.

3. Be it further enacted, That all propositions submitted to the Chief Justice in compliance with the second section of this act shall be in the shape of penal bonds, and shall be collectable at the suit of the said Chief Justice, or his successors in office for the use of the county, in the District Court, and the proceeds applied to the erection of county buildings.

Sec. 4. Be it further enacted, That the election for seat, shall be conducted as elections for members of Congress, the returns made to the Chief Justice within ten days after the election, who shall publish the result and declare the place receiving the highest number of votes to be the legal Seat of Justice of said county, provided any one place shall have received a majority of all the votes polled at said election; but in the event no place shall have received a majority as aforesaid, then and in that case it shall be the duty of the Chief Justice to proceed to order a new election, after giving notice as in the first instance, (putting in nomination the two places that have received the greatest number of votes,) which election shall be conducted and the returns made as heretofore provided, and the place then receiving the highest number of votes, shall be declared the County Seat of Justice; and such selection shall not be more than twelve miles from Mount Vernon.

Sec. 5. Be it further enacted, That Wm. W. Buxton, John Gentry, E. Roddey, James Farquhar, A. M. Lewis, Wm. H. Brown, James Cooper and Joshua Graham, of whom three shall constitute a quorum to do business, shall be, and they are hereby appointed Commissioners to lay out and sell lots if necessary, and to intend the carrying out of such propositions as may have been made in behalf of the selected location, and report to the Chief Justice whether or not the bond containing propositions in favor of the selected place, shall have been strictly complied with by the promoters and obligors of the same.

Sec. 6. Be it further enacted, That so soon as the returns are received by the Commissioners and reported to the Chief Justice, the clerks of the District and County Courts, the county surveyor, shall remove their offices and papers to the place selected as the County Seat, and all courts thereafter shall be held at the said County Seat.

Sec. 7. Be it further enacted, That this act take effect from and after its passage.

Approved, January 31st, 1844.

AN ACT

For the protection of the South-Western Frontier.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That authority is, hereby, given to the commander of the troops, on the Western and South-Western frontier, to give full and public notice in writing, and otherwise, requiring all persons known to have arms, against this Republic, since the invasion of General Aranda in the spring of 1842, to depart out of the Republic, within ten days from the date of said notice, and after the lapse of twenty days, it shall be the duty of said commander to arrest and all such persons, and have them tried by a court-martial, if they be found to be citizens of this Republic and not in rebellion against the Government, at the time of their arrest, but guilty of treasonable offence, said commander shall deliver such persons to the civil authorities; those who are not citizens and are guilty of any evil practices, or designs against this Government, shall be subjected to any penalty said court-martial may deem proper to inflict.

Section 2. Be it further enacted, That the commander of the troops on the Western and South-Western Frontier, concurrently with the Chief Justices of any county, shall make all needful regulations for preventing the Mexican trade from being turned to the disadvantage of the Republic, and they shall have power to grant passports to traders, and make such arrangements, as they may deem proper, in conformity to law.

Section 3. Be it further enacted, That it shall be the duty of the commander, or leader of any party of traders, on entering the settlements to present himself to the commander of the troops on the Western frontier, or to some Chief Justice, and on retiring, shall receive a passport for his or their security, for which they shall pay a fee of one dollar, and the commanding officer, on the West South-Western frontier, shall arrest any and all persons, going from the western settlements of Texas to the Rio Grande, or returning from the said Rio Grande, into the settlements, that may be found, evading or attempting to evade, the provisions of this

Sec. 4. Be it further enacted, That the officer, in the troops, on the Western and South-Western frontier, be authorized to summon a court-martial for the trial of persons, who may be arrested, under the authority of this act, which court-martial shall be composed of five officers, if there be so many under the command of the officer of the frontier, but if there shall not be so many officers, then the said commanding officer, shall summon a number of privates, to compose the said court-martial, not be less than six persons, who shall be sworn by the commanding officer, whose duty shall be to determine the matter submitted to them, according to the testimony given, in the matter.

Sec. 5. Be it further enacted, That those who are taken from one country to another, without such passports, as required by this act, but against whom no other offense shall be proved, shall forfeit all the money and property in their possession (excepting apparel excepted) and condemned to remain in prison at the discretion of the court-martial, before which they shall be tried; those whom any treasonable practices or designs against this Government can be established, shall suffer death.

Sec. 6. Be it further enacted, That any person or persons, who shall sell or dispose of any ammunition, arms, or other articles of war, to an enemy of this Republic, or to a Mexican traitor, guilty of a misdemeanor, and may, on conviction, in any Court, be fined in a sum not less than five hundred, nor more than one thousand dollars, or imprisoned at the discretion of the Court, which, with all forfeitures, under this act, shall be paid to the Treasury of the Republic.

Sec. 7. Be it further enacted, That it shall be the duty of the commanding officer, on the said frontier, to have all courts-martial, under the provisions of this act, carried into effect.

Sec. 8. Be it further enacted, That the President of the Republic may order such other, and future regulations, or so restrict the powers, herein granted, as to him the President may, from time to time, require.

9. Be it further enacted, That this act shall take effect, and after its passage.
Approved, January 31st, 1844.

AN ACT

to authorize Sylvanus Dunham to establish a Ferry across the Matagorda Bay.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That, Sylvanus Dunham, of the county of Matagorda, be and he is hereby authorized to establish a ferry, across the Bay of Matagorda, between Decrow's Point, Passo Cavallo to the opposite shore Port Calumet, and that said Dunham shall have the right to make his land-ward said ferry, at any point on one side of said Bay, embraced within the limits of Decrow's third of a league of land, and on the opposite side of the Bay, at any point between what is known as the Custom-house and Alligator Head.

2. Be it further enacted, That it shall be the duty of said Dunham to provide and keep in good repair all necessary and sufficient boats for the transportation, across said Bay, of all passengers, wagons and other wheel carriages, horses, oxen, and stock of every description, and that, upon the providing and keeping such boats and repair he shall have the right to use and enjoy said ferry, within the limits aforesaid, for and during the term of ten years.

3. Be it further enacted, That the said Dunham shall have, for the said term of ten years, the right to charge the following rates of toll, for crossing passengers, carriages, or wagons at said ferry, that is to say: on all wagons, carts, and heavy carriages, one dollar each; on each horse, used in pulling pleasure carriages, one dollar each; on each pair of horses or oxen, used in drawing wagons or carts of burthen, one dollar, the driver, in all instances, to pass free; on each foot passenger and rider, one dollar and fifty cents; on horses, mules

and horned cattle, in a drove, seventy-five cents each; sheep and goats, twelve and a half cents each; on drivers to carriages, wagons or carts, fifty cents each; and on goods, twenty-five cents per barrel of five feet.

Sec. 4. Be it further enacted, That the said Dunham be put into bond with sufficient security of one thousand dollars, to the Chief Justices of Matagorda county, or his successors, for all damages that may accrue from neglect of duty, that Congress has a right to increase or diminish the rate as they may think proper.

Sec. 5. Be it further enacted, That this act shall go into effect from and after its passage.

Approved, February 1st, 1844.

AN ACT

To authorize the holding of the District Court in two places in Red River County, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all that portion of the counties of Bowie and Red River situated south of the Sulphur Fork of Red River, shall be styled the Southern Division of Red River County, and shall vote with, and in every respect be subject to the jurisdiction of the same.

Sec. 2. Be it further enacted, That the District Court of the county of Red River, shall be held in the following places in the county viz; in the town of Clarksville on the third Monday in March and September, and may continue two weeks; in the town of Daingerfield, on the second Monday after the first day in March and September, and may continue one week.

Sec. 3. Be it further enacted, That all the business

scription, belonging to the District, Probate, and County clerk, which originated in the limits of said southern division of the county, shall be transmitted to the same, and the same shall be had thereon, and in the same manner and form, as is provided for the holding of such court, in an act to authorize the holding of District Court in three places, in Liberty County, and for other purposes, approved January sixth, one thousand eight hundred and forty-four.

4. Be it further enacted, That the land district, as now established, shall not be changed; and the county surveyor of Bowie County, shall continue his jurisdiction over the whole territory of the county, as defined by an act supplementary to an act, entitled "An act to divide the county of Red River, and to create and establish the counties of Bowie and Lamar," approved January sixteenth, one thousand eight hundred and forty-three.

5. Be it further enacted, That the county surveyor of the county of Paschal is, hereby, required to transmit the map of the county, together with all the papers belonging thereto, to the county of Red River, and the county surveyor of the said Red River is alike required to transmit to the counties of Bowie and Lamar all the land papers, belonging within their respective land districts, as now established, any law to the contrary notwithstanding.

Approved, February 1st, 1844.

AN ACT

relating the Auditor to audit certain Accounts, therein mentioned.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor of the Treasury be, and he is hereby, required to satisfy the claim of Samuel Highsmith and Myers F. Jones, for the sum of thirteen hundred and fifty-eight dollars and thirty cents, being the balance due them, on their contract, for

carrying the mail in the year 1841, on route No. 30, from Austin to the city of Houston.

Sec. 2. Be it further enacted, That the said Auditor is hereby, directed to audit the claim of Myers F. Jones, for a sum of two hundred and eighty-six dollars and sixty cents, being the balance due him, on his contract for carrying the mail in the year 1841, on route No. 21, from Jones' Post-office to Felipe.

Sec. 3. Be it further enacted, That the Treasurer is hereby, authorized and directed to issue drafts, in favor of the above-named persons, for their respective claims, on which drafts shall be receivable in the payment of direct taxes.

Sec. 4. Be it further enacted, That this act shall take effect from and after its passage.

Passed by a constitutional majority, February 1st, 1842.

AN ACT

To extend the Corporate Limits of the Town of Clarksville.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the act passed on the twenty-fifth day of December, 1841, and eight hundred and thirty-seven, incorporating the towns therein named, be so amended, as to define the limits of the corporate authority of the town of Clarksville, by extending the Board of Aldermen of the town of Clarksville, thence north, commencing at a point, upon the line of a survey made by John Vinney, being due-west of the court-house, thence north, one hundred yards, thence east, twelve hundred yards, thence south, to the point where a south line would intersect the line of Thomas J. Ritchie, thence westwardly, with

's line, to where the same intersects the line of the afore-
survey, made for W. H. Vinney, thence with said line, to the
of beginning.

2. Be it further enacted, That this act take effect from and
its passage.

proved, February 1st, 1844.

AN ACT

g District Attorneys ten per centum of all monies collected
by them, on Government Liabilities.

on 1. Be it enacted by the Senate and House of Repre-
sents of the Republic of Texas in Congress assembled, That,
er, district attorneys shall be allowed ten per cent. of all
collected by them, on government liabilities, on amounts
thousand dollars, or under that sum, and five per cent.
amounts over five thousand dollars, any law to the contrary not-
withstanding, and that this act take effect from and after its pass-

proved, February 1st, 1844.

AN ACT

g a District Court, at the town of Fort Houston, in Hous-
ton County.

on 1. Be it enacted by the Senate and House of Repre-
sents of the Republic of Texas in Congress assembled, That
at territory, within the following boundary, shall be
and styled the Northern Division of Houston County,
beginning at a place, known by the name of Hous-
Mound, north of Murchison's Prairie,—thence west-

wardly to the Ioni Village, on the Elk Hart Creek, to the Trinity river, and from Houston's Mound (the place of the battle of the Neches river, so as to make a straight line from the Mound to the Neches river, thence up the Neches river, to the northern line of Houston county, thence west with the north boundary line of Houston county to the Trinity river, thence down the Trinity river to the above-named line, running direct from the Neches river to the Trinity River.

Sec. 2. Be it further enacted, That there shall be a District and Probate Court held at the town of Fort Houston in the Northern Division, and that all the business of every court now or hereafter belonging to the District or Probate Courts, which is within the limits of said Northern Division of Houston county, shall be transmitted to the District Court, at Fort Houston, and the same Court shall hold thereon, in the same manner and form as is now provided for the holding of such courts, in an act entitled "An Act to amend the holding of the District Court in three places in Liberty county and for other purposes," approved January sixth of the year one thousand eight hundred and forty-four.

Sec. 3. Be it further enacted, That the District Court at Fort Houston, shall commence on the second Monday in May and November, and shall continue until the business is finished.

Sec. 4. Be it further enacted, That the Probate Court at Fort Houston, shall commence on the third Monday in every month, and shall continue one week, or until the business is finished.

Sec. 5. Be it further enacted, That the Sheriff, Probate Clerk and District Clerk shall attend the said courts, to be held at Fort Houston, and be governed by an act to authorize the holding of the District Court in three places in Liberty county and for other purposes," approved January sixth of the year one thousand eight hundred and forty-four.

Sec. 6. Be it further enacted, That this act be in full force and effect after its passage.

Approved February 1st, 1844.

AN ACT

and an act for the regulation of the coasting trade and the protection of Texian shipping.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the first day of April, one thousand eight hundred and forty-four, there shall be collected from every foreign vessel, taking out a six months coasting license, conformably with the act of the fourth of January, one thousand eight hundred and one, to which this is an amendment, a semi-annual tonnage duty of one dollar and twenty-five cents for each ton of her burthen, instead of the amount, in such cases, provided for in the act aforesaid.

2. Be it further enacted, That from and after the date, hereinbefore mentioned, there shall be collected from every foreign vessel sailing coastwise, under her register, with a cargo received, at any port or place of this Republic, and delivered at another, a coasting tonnage duty of thirty cents for each ton of her burthen, instead of the sum in such cases made and provided in the act aforesaid.

3. Be it further enacted, That there shall be collected, in the manner provided in the before-mentioned act, from every Texian vessel of foreign construction, which shall take out a coasting license, from and after the first day of April, one thousand eight hundred and forty-four, an annual tonnage duty of sixty cents for each ton of her burthen, instead of the amount, provided for in the act aforesaid.

4. Be it further enacted, That this act take effect from and after its passage.

Approved, February 1st, 1844.

AN ACT

The better to define the Boundary Line between the Austin and Washington, and amend, in part, an "An Act to alter a part of the Southern Boundary County of Washington, and a part of the Northern Line of the County of Austin," approved twenty-nine one thousand eight hundred and forty-two.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, that the boundary line dividing the counties of Austin and Washington, being the northern boundary of the former, and the southern boundary of the latter, be, and the same is hereby so amended, as to commence at the mouth of Caney Creek on the western side of the Brasos River; thence up the meander of said creek to Mrs. Foster's crossing of the same; thence to the longest source of said creek, to Andy Miller's crossing of the same; thence to the junction of the south-western source; thence to the corner of the Harmon Hensley league of land, so as to be the corner of Stephen Williams and Robert Armstead in the county of Washington; and thence, as formerly.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, February 1st, 1844.

A JOINT RESOLUTION

ing for an amendment of the Constitution; and for the establishment of a Supreme Court.

as, owing to the great increase of business in the Supreme Court of the Republic, and under the present organization of our Judiciary System, it is wholly impossible that our Judges can find sufficient time and opportunity to investigate the important questions that they will be called on to decide. And as, it is believed that a separate and independent Supreme Court of the Republic is absolutely necessary for the due administration of justice, and that the same can be established with but little additional expense to the country, therefore;

1. That sections seven, eight, and nine, of article four of the Constitution of the Republic of Texas, be changed and amended to provide, that the Supreme Court of the Republic of Texas shall consist of a Chief Justice, and two Associate Judges, any two of whom shall constitute a quorum to do business.

2. That the said Judges of the Supreme Court shall be elected at the regular sessions of Congress, by joint ballot of both Houses, and shall hold their offices for the term of six years; their compensation shall be fixed by law, and shall not be increased or diminished, during their continuance in office.

3. That in the event, that a quorum of said Supreme Court, shall not be had, in any particular case, in consequence of the death of any one or more of said judges, then the President of the Republic, shall commission some one or more gentlemen, learned in the law, to hear and determine said case or cases.

4. That should a vacancy occur in the office of Chief Justice of the Supreme Court, or either of the judges

thereof, the President of the Republic of Texas, shall fill the same, by appointment, until the next regular Congress, when such vacancy shall be filled by Congress, balance of the term, by joint ballot.

Approved, February 1st, 1844.

AN ACT

To change the Mail-Route from Montgomery to Huntsville.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the post-route from the town of Montgomery to the town of Huntsville, in Montgomery county, be so changed as to pass through the town of Huntsville, and is hereby established, and that a post-office be, and is hereby established, at the house of B. F. Burke at Lone Oak, on said road.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, 1st February, 1844.

JOINT RESOLUTION

Requiring the Auditor to settle certain Accounts.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be, and he is hereby, required to settle the accounts of E. W. Moore, for disbursements of money received from the Government of Yucatan, and for provisions and stores, furnished the navy, while

e, in command of the maritime force of the Republic, as
as all other accounts for monies, received by him, from the
nment of Texas, and other sources, so far as it can be done
the documents, within the reach of the Auditor.

. 2. Be it further enacted, That this joint resolution shall
effect from and after its passage.
sed, February 1st, 1844.

A JOINT RESOLUTION

relation to the able and patriotic services of Captain Luis
Sanches.

as, in the opinion of this Congress, one of the highest re-
ds a faithful public servant can receive, for services rendered
his country, and one of the strongest incentives to continue
rtions, is the assurance that those services are duly appreci-
l by that Country; therefore,

tion 1. Be it resolved by the Senate and House of Repre-
tives of the Republic of Texas in Congress assembled, That
ongress entertain a just sense of the important services rend-
he country, by Capt. Luis Sanches, in the Mexican and In-
nsurrections, in Texas, and also in bringing about peace with
ostile tribes of Indians, on our frontier.

. 2. Be it further resolved, That this Congress repose abid-
confidence in the capacity, integrity and patriotism of the
Captain Luis Sanches.

. 3. Be it further resolved, That the President be requested,
use a copy of these resolutions to be forwarded to said Capt.
Sanches.

proved, February 2d, 1844.

AN ACT

To incorporate the Fannin Artillery, in the City of

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Martin K. Snell, D. E. Smith, John W. Bergin, George Ephraim Haines, John W. Moore, Robert Watson, Frederick Andrew McStacy, William Ferguson, Joseph Granden, and their associates, and successors, be, and they are hereby, authorized to form a body politic and corporate, under the name and style of "The Fannin Artillery," with power to sue and be sued, plead and be pleaded, answer and be answered unto, appear and be heard, and to obtain final judgment, in any court or elsewhere, to have a seal, and to use with such device as they may adopt; to elect, in what place they choose, the officers necessary to command them, and to form a volunteer corps; to establish by-laws, for the government and regulation of their affairs, and the same to alter or amend at pleasure; to hold real estate, and personal property, and dispose of the same, provided, however, such real estate and personal property shall at no time exceed ten thousand dollars in value; and the number of the company shall never be less than thirty-two men, rank and file, and never exceed sixty-four.

Sec. 2. Be it further enacted, That the said corps shall be exempt from common militia duty, except battalion and company reviews, and inspections, on which occasions, they shall be in line of regiment, and have the extreme right of the line, and shall be subject to the orders of the commander of the regiment; that the said corps shall be exempt from the payment of taxes, and the service of overseers of the road.

Sec. 3. Be it further enacted, That said corps shall have full power by their constitution and by-laws, to hold courts-martial, to try all violations of their ordinances, agreed upon by a majority of the members of the company; to sus-

ne, not exceeding one hundred dollars, those violating the
s of the said company.

4. Be it further enacted, That all fines imposed by a court-
l upon delinquents, or accruing under the by-laws of the
company, shall be collected upon a warrant issued by the Sec-
and countersigned by the commanding officer; the fines col-
to belong to the company, except the fines imposed for ab-
on battalion or regimental musters, reviews, and inspections,
shall be paid into the regimental fund; any constable within
ty of Houston, is authorized, and empowered, to levy the
nt, so issued, as aforesaid, and coerce the payment, under
me law that governs constables, in the execution of civil pro-

5. Be it further enacted, That the officers commanding
corps, shall be one captain, one first-lieutenant, one second-
nant, one third-lieutenant, who after being duly elected by
id corps, shall be reported through the proper channel, to
ar Department, and be commissioned by the President, to
during the time of their election.

6. Be it further enacted, That drafts shall never be made
said company, but it shall, however, be the duty of the corps
e the field, whenever a call of two hundred men is made, in
egiment, including the said corps, provided, that nothing
contained, shall be so construed, as to authorize banking
ges, and any failure to comply with the provisions of this
shall work a forfeiture of the charter.

7. Be it further enacted, That the Government is, hereby,
ed to supply the said corps with two brass six-pounder field
with cassoons and apparatus complete; with ordnance stores
munitions of war, also, with small and side-arms, and knap-
the captain of the company shall be responsible for the
and side-arms and knapsacks and the company, in its cor-
capacity, for the ordnance and ordnance stores, and muni-
of war.

8. Be it further enacted, That this act of incorporation
be, and continue in force, for and during the term of ten
from and after its passage.

proved, February 2d, 1844.

JOINT RESOLUTION

Moving the Custom-house of the District of Calhoun
Calhoun to Port Caballo.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury be authorized and required to remove the Custom-house, and such other public buildings of the Port of Calhoun, the present location, to Port Caballo, provided, the proprietors of Port Caballo donate to the Government, a suitable lot or lots in said town, for the erection of public buildings.

Sec. 2. Be it further resolved, That the Collector of the District of Calhoun, shall keep his office, and perform the duties thereof, at Port Caballo.

Sec. 3. Be it further resolved, That so much of an Act to discontinue and abolish certain Ports of Entry, and to establish, instead thereof, a Port of Entry, to be called "Port of Calhoun," approved January twenty-first, one thousand eight hundred and forty-one, as requires the Custom-house for the District of Calhoun to be located at Port Calhoun be, and the same is hereby repealed, and this joint resolution take effect from and after its passage.

Approved February 2d, 1844.

JOINT RESOLUTION

For the relief of Midshipman, Andrew Jackson Bryant.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Andrew Jackson Bryant, on account of having been wounded on board of the sloop of War Austin, while engaged in the service of the United States, with the Mexican steamers Guadalupe and Montezuma, be and he is hereby

peachy, on the 16th of May last, and on account of the bravery spirit displayed by him, is entitled to, and may receive a yearly pension, equal to the half part of a midshipman's full pay, and pension shall be paid to said Bryant annually, so long as he continue disabled from the wounds received in said action.

c. 2. Be it further resolved, That John Norris, Thomas Bar-George Davis, James Brown, and Terence Hogan, seamen disabled for life in the service of the country, may receive a yearly pension, equal to the half pay of seamen.

Approved, February 2d, 1844.

AN ACT

to define and fix the practice of Probate Courts in certain cases.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a further time, after the expiration of one year, is granted to any administrator, or executor, to settle the estate of his testator intestate, such executor, or administrator, shall not be required to execute a new bond, for the faithful performance of his duties, but the original bond of such executor, or administrator, shall be deemed and held as sufficient, and binding, until the final settlement of the estate, except in cases where new security is actually required by the existing probate laws.

c. 2. Be it further enacted, That whenever there may be outstanding bonds, obligations, or contracts in writing, for the conveyance of lands, or tenements, against the estate of a deceased person, which it may be to the interest of said estate should be lifted, or complied with, it shall be the duty of the Probate Court, where the succession was opened, or where the same was or may be administered, upon an application by petition of the executor, or executrix, administra-

or, or administratrix, or guardian, where all the heirs and have such guardian, after full proof of the existence of such bond, obligation, or contract, in writing, and upon satisfaction, that a compliance with the requirements of said obligation, or contract, would be beneficial to the interest of the estate, to decree, that the person, thus applying, shall comply with the same, and any deed, or tender of deed, made in compliance with the decree, shall be as valid, and binding, as if it had been decreed by the testator, or intestate, himself.

Sec. 3. Be it further enacted, That such bond or deed, when complied with or tendered to be complied with, shall release the estate from all liability, or responsibility, on such bond, and the Probate Court shall take possession of such instrument in writing, and file it among the papers of the court, and when the same is complied with, it shall be cancelled by the Probate Court, and all the testimony heard under the second section of this act, shall be taken down in writing, signed by each of the parties, and preserved among the records of the Court; provided, that minors and all persons laboring under disabilities, recognized by the statute of limitations, shall have three years after such disabilities are removed, to set aside all deeds, or judgments, made in compliance with this act, for fraud, covin, and collusion, or any other cause that should vitiate the same.

Sec. 4. Be it further enacted, That when bonds, or deeds, are outstanding against any deceased person, for the redemption of lands, suits may be brought in the District Courts, by the executor, administrator, or guardian, (as the case may be,) upon full proof being made of the justness of the same, the court shall decree a title, in favor of the heirs of said estate (as the case may be,) and such title shall be as good as the original obligor.

Sec. 5. Be it further enacted, That executors, administrators, or guardians, may bring and sustain all actions for the recovery of titles upon such bonds, obligations, or contracts, and for the necessary to recover the possession of lands, which have been taken from any person, or persons, adversely to the estate which he or they owned, and this act shall be in full force from and after its

Approved, February 2d, 1844.

AN ACT

deal, in part, and amend "An Act regulating the Duties of State Courts and the settlement of Successions," passed at Fourth Congress and approved February 5th 1840.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That of the fourteenth section of the above-recited act, as auct persons who shall be appointed to make partition, or a ty of them, "to call in one or more surveyors to run the lines lands, and also the divisional lines thereof," be and the s, hereby, repealed.

2. Be it further enacted, That the persons who shall be to make the partition contemplated in said act, be, and re hereby, authorized to call in the county surveyor, or his eputy, to run the lines &c., contemplated in said act, for services the said surveyor shall receive the same pay as now l by law.

3. Be it further enacted, That this act be in force from ter its passage.
Approved, February 2d, 1844.

AN ACT

To protect the Property of Texian Prisoners of War.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That, nd after the passage of this act, no forced sale shall be made property belonging to any citizen of Texas, who is or may risoner of war, until release or death of said prisoner, or in ent of his death, administration upon his estate.

Sec. 2. Be it further enacted, That the act of limitation as such prisoner shall be affected, either as debtor or creditor, shall remain suspended during the time of his captivity.

Sec. 3. Be it further enacted, That when satisfaction shall be made to the Chief Justice of the county, where an offender had his residence, preceding his captivity, that the property of such prisoner is liable to waste, or that his rights are affected, it shall be the duty of said Chief Justice to appoint a suitable person, under sufficient bond and security as curator of such prisoner, which curator shall take charge of the effects of such prisoner and protect the same to the best of his power.

Sec. 4. Be it further enacted, That this act shall take effect from and after its passage.

Approved February 2d, 1844.

JOINT RESOLUTION

For the relief of Henry M. Smith, Sheriff of Galveston county.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the County Court of Galveston county be, and they are authorized to levy a tax upon the citizens of the county of Galveston, sufficient to liquidate the claim of Henry M. Smith, for the support of criminals, amounting to the sum of eight hundred and sixty-four dollars and sixty-three cents.

Sec. 2. Be it further resolved, That the assessment and collection of said tax, shall be in the same manner as provided by law, for the assessment and collection of direct taxes.

Sec. 3. Be it further resolved, That the taxes, so collected as provided in this act, shall be paid to the said treasurer, and by said treasurer paid to the said Henry M. Smith, or to his order, and in case of a failure

tor, and county treasurer, faithfully to perform the duties
ed by this act, such officer, thus delinquent, shall be sub-
o the same penalties as for delinquency, in other cases, in
their services are required by law; and that this act be in
from and after its passage.
proved February 2d, 1844.

AN ACT

he benefit of Settlers in good faith, and to amend an act "To
vide the mode of trying Titles to Lands," approved Feb.
, 1840.

tion 1. Be it enacted by the Senate and House of Repre-
ives of the Republic of Texas in Congress assembled, That
trial of all actions of ejectment or trespass to try titles, after
assage of this act, if the jury find the defendant to be a pos-
in good faith, and a verdict go in favor of the plaintiff, for
nds or tenements, sued for, the said plaintiff shall not re-
pay for the use and occupation of the premises, prior to the
of the suit.

2. Be it further enacted, That in all suits, hereafter in-
ed, the plaintiff shall in no instance recover from the pos-
in good faith, pay for the use and occupation of the premises
pute, where the improvements have been made by the de-
nt himself or those under whom he claims, or from whom he
ased, unless the plaintiff can prove, that previous to the in-
on of said suit, he offered in good faith to refer the question
for improvements to arbitrators, and further offered to give
to defendant in a sufficient amount to comply with the award,
shall further prove, in case an award was rendered in favor
endant, that the amount of said award was tendered to said
dant previous to the institution of the suit or unless the
iff can prove that he tendered to the defendant, pre-
to the institution of said suit, pay sufficient for the im-

provements made, in good faith, by the said defendant under whom he claims by purchase or otherwise.

Sec. 3. Be it further enacted, That section seven of the Act to provide the mode of trying titles to lands" be amended so as to allow the plaintiff, in case a verdict and judgment shall pass against him, and he should determine to appeal to the said Supreme Court, and the said Supreme Court should decide in favor of the plaintiff, he the plaintiff shall have one year from the date of the said Supreme Court to bring a second action, and in case a verdict and judgment should pass against the plaintiff, the plaintiff contained in the act to which this is a supplement, shall be construed as to prevent an appeal from said second judgment.

Sec. 4. Be it further enacted, That should the defendant in any action of ejectment or of trespass to try title, be a plaintiff, that the plaintiff has failed to pay the state taxes that are due on the lands in controversy, after the passage of this act, shall have accrued, by assessments, already made, the plaintiff shall forfeit all right to pay for "use and occupation," and the plaintiff of the Secretary of the Treasury as to the returns of taxes made, or the want of assessments, in particular instances, neglect of payment of the amount assessed shall be considered as evidence, in the trial in all suits, contemplated by this act, that other testimony of a legal character shall not be excluded. And it is provided, further, that the defendant, to entitle him to a verdict under this section, shall show that he has paid the taxes due on the land claimed by said defendant during his occupancy of the same.

Sec. 5. Be it further enacted, That the plaintiff or defendant shall not be required hereafter to make any endorsement on copies of petitions, nor shall the defendant be required to make any other plea than the one of "not guilty" and if the plaintiff, under a suggestion of good faith, introduce evidence of the value of improvements, the plaintiff shall be permitted to introduce rebutting testimony, to show the value of the lands in controversy without taking into consideration the increased value of the land on reason of such improvements, as shall have been made by the plaintiff or defendant or those whose estate he has, or under whom he claims by purchase or otherwise, and also the value of the use and occupation of said lands.

6. Be it further enacted, That where there is no dispute, the lines or boundaries of the land in controversy, or where defendants admits, that he is in the possession of the lands or interests included in the plaintiff's claim or title, an order of survey shall be unnecessary, any law to the contrary notwithstanding.

7. Be it further enacted, That it shall be the duty of the Governor of State, immediately after the approval of this act to cause the same to be published in some public Gazette in the town of Austin, and this act shall take effect and be in full force, ten days after its passage.
Approved, February 2d, 1844.

AN ACT

authorizing the Sheriff of Rusk County to collect the State and County Tax of said county, for the year one thousand eight hundred and forty-two, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That, the Sheriff of Rusk county be, and he is hereby, authorized and empowered to collect the state and county tax, due and unpaid, from the citizens of said county of Rusk, for the year, one thousand eight hundred and forty-two.

2. Be it further enacted, That said sheriff, after collecting the taxes, shall be, and he is hereby, required to pay over said taxes to the Treasury of the Republic of Texas, and the county taxes collected, into the county treasury of said county of Rusk.

3. Be it further enacted, That the county of Rusk assume the payment of the liabilities of Nacogdoches, incurred during the year one thousand eight hundred and forty-two, to the citizens of Rusk county, for jury services, so that the tax collected by the sheriff for one thousand eight

hundred and forty-two, will extend, and the county court shall be so applied by the proper officers.

Sec. 4. Be it further enacted, That the treasurer of the county shall pay off the claims against Nacogdoches county by the citizens of Rusk county, as long as he has any of the taxes of one thousand eight hundred and forty-two.

Sec. 5. Be it further enacted, That this act take effect from and after its passage.

Approved, February 2d, 1844.

AN ACT

To alter and amend the various acts relating to the District Justices, and prescribing the manner in which the writs shall be issued, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, from and after the first day of February, one thousand eight hundred and forty-four, the commissions of Sheriffs, Constables, Collectors of Customs, and all other officers who may hereafter be appointed, in any wise, appertain to the collection of the public revenues, shall emanate from the Treasury Department, and be countersigned by the Secretary of the Treasury.

Sec. 2. Be it further enacted, That the commissions of military and naval officers shall be issued and countersigned by the Secretary of War and Marine.

Sec. 3. Be it further enacted, That the commissions of district attorneys, judges of the district courts, and clerks of the district and county courts, shall emanate from the Law Department, and be countersigned by the Attorney-General.

Sec. 4. Be it further enacted, That the commissions of county surveyors shall be issued and countersigned by the Commissioner of the General Land-Office.

Sec. 5. Be it further enacted, That the commissions of

officers shall emanate from the State Department, and be countersigned by the Secretary of State.

c. 6. Be it further enacted, That it shall be the duty of the Secretary of the Treasury, the Secretary of War and Marine, the Attorney-General and the Commissioner of the General Land-Office, to keep exact registers of all officers, whose commissions have been countersigned by them, respectively, and to furnish regularly, upon the issuing of any commission, a memorandum of the same, together with the date of the resignation, death, removal, expiration of the term of office &c. of the predecessor in office, (as the case may be,) to the Secretary of State, who shall cause to be kept in his office a full and complete register of all officers commissioned by the President.

c. 7. Be it further enacted, That the bonds of the clerks of the District Courts shall be filed in the office of the Attorney-General, instead of the office of Secretary of State, as heretofore required by law. The bonds of the county surveyors shall be filed in the office of the Commissioner of the General Land-Office, instead of the office of the Secretary of State, as heretofore required by law; the bonds of post-masters shall be filed in the office of the Post-Office of the General Post-Office, as now required by law, and it shall be the duty of the Chief Clerk of the Post-Office Bureau to conform to the provisions and directions specified in the sixth section of this act. The Secretary of State shall cause to be deposited to the Attorney-General and Commissioner of the General Land-Office, respectively, such of the bonds of the clerks of the District Courts, and county surveyors, as may be on file in his office.

c. 8. Be it further enacted, That it shall be the special duty of the President to prescribe, in conformity with the constitution and laws, the forms of all commissions; and no commission shall be delivered to officers elected who are required by law to execute oaths, until such bonds shall have been duly executed, and the approval of the securities, in such bonds, by the Chief Justice, is reversed thereon, and until the same shall also have been recorded in the office prescribed by law, and received, and placed on file, in the proper offices, as directed by the provisions of former laws, and this act.

c. 9. Be it further enacted, That it shall be the duty of the Secretary of State and every Chief Justice, or Associate Justices acting, to make full and complete returns of all elections for civil of-

ficers, held in their respective counties, and which a statement of the name of the predecessor in office, the date of his resignation, death, expiration of the forth (as the case may be) within twenty-one days from the day of holding said election, to the Secretary of shall furnish a statement of the result thereof to the department, or office, from which, by the provisions the commissions are required to emanate, and also to file in the same period, the bonds of such of their office required by law to execute bonds (except such bonds as provisions of existing laws, should be filed in the office of the District or County Court) to that department which the same are required, by the provisions of former this act to be filed; and it shall be the further duty Justice, or Associate Justices, acting, in making the re-election of civil officers, whose bonds are required to be filed in the office of the Clerk of the District or county state that their bonds have been duly executed, that therein have been approved, and that the said bonds be recorded and filed as required by law.

Sec. 10. Be it further enacted, That hereafter it be lawful for the Chief Justice and Associate Justices to attend the regular sessions of the county courts, nor shall any judge of the county court hereafter have any connexion with probate courts in the transaction of probate business, and the Commissioners' Court shall only meet twice in every year, to-wit: the first Mondays of January and July.

Sec. 11. Be it further enacted, That this act shall take effect from and after its passage.

Approved 3d February, 1844.

JOINT RESOLUTION

For the relief of the Minute Men created under an act, approved February fourth, one thousand eight hundred and forty-one.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of War is, hereby, authorized to receive, of the said captains, or commanding officers of the minute companies, who have rendered services in the year, one thousand eight hundred and forty-one, duplicate muster-rolls, upon the said officers making oath, that said rolls are true copies of the originals, and making proof to the satisfaction of the Secretary of War, that the services for which said rolls are presented, were sanctioned by the Chief Justice of their respective counties, and otherwise performed, according to the law entitled "An Act to encourage frontier protection," approved fourth February, one thousand eight hundred and forty-one.

2. Be it further enacted, That the said rolls, when presented and duly proven as above prescribed, shall be sufficient vouchers in the War Department, to enable the said minute-men to receive their pay, to which they are entitled, under the act making the same, from the appropriation made for minute men, approved third February, one thousand eight hundred and forty-

3. Be it further resolved, That each officer and soldier who served in said companies, shall, after returns and settlements shall have been made, as above described, receive the one-half of his claims, for said minute services, in exchequer bills, from the appropriation bill, approved third of February, one thousand eight hundred and forty-three, and for the other half in a dated certificate.

4. Be it further resolved, That on liquidation of any of said rolls under this provision, the original, should there be one deposited to Austin, shall be cancelled.

Sec. 5. Be it further resolved, That this joint resolution go into effect from and after its passage.

Approved, February 3d, 1844.

AN ACT

To regulate the Fees of County Clerks in certain cases,
Fees of Chief Justices for taking depositions.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, so much of an act, approved January sixteenth, one thousand eight hundred and forty, as allows county clerks to demand fees for issuing a license, and also, so much of an act approved January fifth, one thousand eight hundred and forty, as allows county clerks to demand five dollars for issuing a license, be, and the same are hereby, repealed; and that from and after the passage of this act, the county clerks shall be entitled to one dollar for every license, issued by them, and no more.

Sec. 2. Be it further enacted, That hereafter the justices of counties, notaries public, or two justices of the peace, or other officer, for taking down answers to interrogatories in virtue of a commission directed to them, shall be entitled to fifty cents for every hundred words by them required to be written, and fifty cents for attaching the official seal or certificate.

Passed, February 3rd, 1844.

AN ACT

Describe the mode of serving process, or notice, in certain cases.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That any party to a suit is or may be, a non-resident, within the limits of the Republic of Texas, the writ or process sued out may be served, by publishing a notice to the absentee to appear and defend the suit, in some newspaper, printed in the county or in the county nearest to the county in which suit is or may be instituted, for four successive weeks, before the holding of said court, and the plaintiff, his agent or attorney, shall allege in the petition that the party, or parties, is or are absent from the Republic, and file with the petition an affidavit of the truth of the foregoing allegation.

2. Be it further enacted, That in cases of application for a writ of habeas corpus should the petitioner declare in his or her petition that the defendant may be a resident of the Republic, his or her residence is unknown, or transient, upon an affidavit to that effect, process may be served in the same manner as provided for in the first section of this act, provided, that in none of the cases, provided for by this act, shall final judgment be rendered, at the first term of the court, unless the defendant appears, and further provided, that such publications shall specify the names of the parties, the court wherein the suit is depending, the nature of the claim, and if money be claimed, the amount thereof, and further provided, that in cases now on the docket, where publication has not been made, in accordance with the practice, heretofore followed by the courts, judgment may be taken final, at the first term of the court, without publication as above required, in suits pending after the date to be commenced.

3. Be it further enacted, That when the defendant is a non-resident, notice to take depositions may be served by publication four weeks as prescribed in the first section of this act.

4. Be it further enacted, That this act take effect from the date of its passage.

Approved, February 3rd, 1844.

AN ACT

To prescribe the mode of settling the Claims of Creditors of the
Estates of deceased persons, in certain cases.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, in all cases in which there may be debts due the estate of a deceased person, or property sold by the executor, or administrator thereof, prior to the first day of May eighteen hundred and forty-two, or upon contracts made by the deceased, in his lifetime prior to said first day of May, 1842, it shall be the duty of the Chief Justice of the Probate Court, upon a representation of facts, by petition, by the administrator, or executor, to cause the creditors of the estate to be notified to appear, at some term of the court, and have their claims settled, which may be personal, or by publication in some newspaper, near the place of the opening of the succession, for three weeks successively.

Sec. 2. Be it further enacted, That when the time for settlement shall arrive, the Court, after ascertaining the claims of each, and what proportion of their respective claims the estate will be able to pay, shall cause the executor, or administrator of the case may be,) to transfer to each of the several creditors as much of the credits thereof, at their appraised value as may appear to be their respective proportion; provided, that the claims be taken and held to be in full and perfect satisfaction of the claims, to the amount received.

Sec. 3. Be it further enacted, That should any of the creditors be unwilling to receive said credits, in satisfaction of their claims, the Court shall set apart such proportion thereof, as may be entitled to, and the settlement shall take place, as between the creditors; the claims, thus set apart, shall be retained by the executor or administrator, or filed in the Probate Court (or in the hands of the executor or administrator) until the same can be collected, and the proceeds thereof be paid to the creditors, entitled to receive the same.

Sec. 4. Be it further enacted, That executors and administrators shall, in the settlement of their accounts,

all payments, made in compliance with the provisions of this

5. Be it further enacted, That all laws and parts of laws, ~~repealing~~ the provisions of this act, be, and the same are hereby ~~repealed~~.

Approved February 3rd, 1844.

AN ACT

to authorize the holding of the District Court in two places in the County of Fannin and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the District Court, for the county of Fannin, shall be held at Bonaville as heretofore, and at the place of residence of Seamon Bradley. That all the territory in said county, lying west of a line, beginning at the mouth of Choctaw Bayou, and running thence due north to the southern boundary line of said county, shall constitute and be called, the Western Section of said county of Fannin; the said District Court, shall be held at the said Bradley's, in the western section of said county, on the last Mondays in the months of February and August, in each year, and may continue in session, one week; that all the business, originating in said western section of said county, shall be returned to the place of holding the District Court, for said section; that it shall be the duty of the clerk, and the sheriff, of said county, to attend said courts, and the clerk shall cause to be kept, at said place of holding said court, a correct record of the proceedings thereof; that all petitions filed, and other writs issued, shall pray the summons to be issued thereon, to be returnable to the place of holding the court in the section in which the business originates, and the clerk shall so issue his summons, and the sheriff shall make his returns accordingly;

and all executions, and other process, of any description that may issue, either by the court, or upon the part of said court, shall be made returnable to the place of holding the same; that it shall be the duty of the assessor for the county of Fannin, to return in the District Clerk's Office, for the county of Fannin, in this act provided for, the name of each individual, upon juries for the same, from which the juries, both grand and petit, shall be drawn as now provided for by law; and made the duty of the Sheriff for said county, immediately after the passage of this act, to make out as accurately as he can, a list of all the names of all persons liable to serve on juries in each district, specified in this act, and return the same to the clerk's office, at the place of holding court for the same; that the juries shall be drawn for the courts at each district, both grand and petit, until the assessor returns his list as provided in this act; that it shall be the duty of the Chief Justice of the county of Fannin, to hold a court, once in two months, at the places of holding the District Court, for the transaction of business in the respective districts herein specified, and in the absence of the Chief Justice, he shall transact, without the aid of the associate Justices, it shall be the duty of the clerk, to attend the said courts, either by himself, or deputy, and shall cause the proceedings of said courts to be kept, at the place of holding the same; that all lands and negroes hereafter sold by execution, order, or decree of any of the courts, in the county of Fannin, shall be sold at the place of holding court, from which the said decree, order, or execution, issued; that this act be in force and take effect from and after its passage.

Approved February 3rd, 1844.

AN ACT

prevent the obstruction of Navigable Rivers and Streams.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That after, any person, or persons, who shall obstruct the navigation of any river, or rivers, stream or streams, which can be navigated by steam, keel, or flat-boats, by cutting and felling trees, building dikes, mill-dams, or otherwise obstruct the navigation of any river, or rivers, shall be deemed guilty of a high misdemeanor, and on conviction thereof, shall be fined in a sum not less than twenty-five, nor more than five hundred dollars, at the discretion of the court, one-half of which shall go to the county, where such conviction is found, and the other half to the Republic; which fines collected to the county, shall be applied to remove such obstruction, by the treasury of said county.

Section 2. Be it further enacted, That it shall be the duty of the District Judges, to give this act specially in charge to the grand juries of the several counties.

Section 3. Be it further enacted, That this act take effect from and after its passage.

Approved, February 3rd, 1844.

AN ACT

Supplementary to an act, amending the several acts incorporating the City of Houston.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That when the office of alderman, or recorder, become vacant, the election shall be had to fill said vacancy, or vacancies, and

hereafter the recorder shall be elected by the people, and shall have the same power as justices of the peace, in civil cases.

Sec. 2. Be it further enacted, That no corporation assessed by the Board of Aldermen shall exceed the one per cent., and in no case shall a license tax, assessed by the Board, exceed fifty dollars, and that upon the failure of a person, to pay their quota of taxes, or license, it shall be the duty of the assessor to take out execution against such person, or person named on the assessor's list, in possession of the officer charged by the Board of Aldermen in the collection of said taxes, shall operate as, in law, the force and effect of an execution, and he shall advertise and sell all property, the taxes upon which have not been paid, and shall use thereof to satisfy the taxes, and that it shall not be lawful to publish such delinquents in the newspapers, but it shall be sufficient to post the same in writing, in three public places in the city, for sixty days previous to the sale; provided, that the said sale shall be made at the court-house of the county.

Sec. 3. Be it further enacted, That nothing in this act shall be so construed as to allow said Board of Aldermen to levy a tax upon the vender of the produce of the country, and in all cases, the corporation change notes shall be taken in payment of the direct and license taxes, at par, and shall not be used for any other purposes, except in payment of the direct and license tax of said corporation.

Sec. 4. Be it further enacted, That all parts of any act heretofore enacting the provisions of this act, be, and the same are hereby repealed, and that this act take effect from and after its passage.

Approved February 3rd, 1844.

AN ACT

authorizing the Chief Justice of Red River County to take possession of the Papers, and Records, of the Miller County Court.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it be the duty of the Chief Justice of Red River County to take possession of all the papers, and records, belonging to the Miller County Court, relative to deceased persons estates, and place them on file in the Probate Court of Red River County.

2. Be it further enacted, That on final settlement with administrators, on all estates, wherein the administration was commenced in the Miller County Court, under the jurisdiction of the Court of Arkansas, it shall be the duty of the Probate Judge of Red River County to have reference to the Miller county court records, and charge the administrators with the whole amount, and he may there find charged against him.

3. Be it further enacted, That this act take effect from and after its passage.

Approved, February 3rd, 1844.

AN ACT

authorizing the County of Fort Bend to levy a Tax for a special purpose.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Board of Commissioners of Roads and Revenue, for the County of Fort Bend, be, and they are hereby, authorized, at their next regular session in April, one thousand eight hundred and

forty-four, or at any subsequent special session, to be called for that purpose, to assess the additional amount of one-third of the amount of what shall be assessed on behalf of the Republic, for said year one thousand eight hundred and forty-four, on all property, subject to a direct special tax, shall be applied to the payment of a debt of said county, in the purchase of a court-house for said county, and the collector of the county taxes of said year one thousand eight hundred and forty-four, shall be required to collect this special tax, at the same time, and in the same manner, that he collects the county tax, and make a receipt therefor to the county treasurer; provided, however, that if any law be passed by the Congress, before that time, imposing a large amount of the direct taxes to counties, for the year one thousand eight hundred and forty-four, for the purposes, then this act to be null and of no effect.

Sec. 2. Be it further enacted, That this act shall be in force from and after the first day of April, one thousand eight hundred and forty-four.

Approved, February 3rd, 1844.

AN ACT

Supplementary to an Act concerning Rent.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That landlords shall not have a preference over other creditors in the proportion of the tenant's property, except upon the amount of rent to be raised on the rented premises.

Sec. 2. Be it further enacted, That the provisions of the act to which this is a supplement, shall only apply to the crop raised on the rented premises, and no other property of the tenant; provided, that if the lien shall the lien extend, or continue, beyond the first

next, after the maturity of the crop, unless the crop subject to said lien, be found on said rented premises, after said time.

3. Be it further enacted, That in all cases before a distress warrant is issued, the party applying for the same, in addition to the requirements in the act to which this is a supplement, shall give that the writ, or distress warrant, is not sued out, for the purpose of vexing and harassing the defendant; and the person, applying for the same, with one good and sufficient security, approved by the justice of the peace, shall sign an instrument in substance as follows: "We or either of us promise to pay defendant in this suit (naming him) such damages as he may sustain, in case the distress warrant in this case has been illegally and unjustly sued out," which instrument shall be filed among the papers in the cause, and in case the suit shall be finally decided in favor of the defendant, he may bring suit against the plaintiff and his security, on such instrument, or either of them, and shall recover the damages as may be awarded to him by the proper tribunal.

4. Be it further enacted, That said act or this supplement thereto, shall not be considered, as in any manner repealing or modifying any act passed, heretofore exempting property from execution.

5. Be it further enacted, That if any person, other than the defendant, apply for an order of sale of the property, as personal property, the justice shall not grant such order, unless the applicant, applying with one good and sufficient security, approved by said justice, shall file with said justice, a joint and several instrument signed by them, that they will be responsible to said defendant for such damages as defendant may sustain, in case such order be illegally and unjustly applied for, or should be illegally and unjustly made.

6. Be it further enacted, That nothing herein contained, shall be so construed as to prevent landlords and tenants from entering into such stipulations or contracts in regard to lien as they may think proper; provided, that the rights of third persons shall not be thereby affected, unless such contract be reduced to writing and put upon record.

7. Be it further enacted, That this act shall take effect from and after its passage.

Passed February 3rd, 1844.

AN ACT

To amend an Act passed the eighth of January, one thousand and forty-one, respecting Wreck-Masters.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, from and after the passage of this act, the Wreck-masters of the Republic shall be appointed by the President of the Republic, controlled by the Collectors of Customs of the several districts of this Republic, who shall each appoint for his district at least one, and not more than three wreck-masters; and the duty of each of the persons, so appointed, to attend to the wreck, set forth in the act to which this is an amendment, saving, and disposing of all property wrecked in his district, the part of it allotted to him, if such property be declared abandoned by its owner, or the agent or factor for him, or be found abandoned, no such person appearing.

Sec. 2. Be it further enacted, That it shall not be the duty of the wreck-master, to recover out of the proceeds of the property, sold by him, as wreck-master, an auctioneer, or any other, in addition to that allowed in the act to which this is an amendment, but he shall be allowed to charge for the services, and for a crier, at a rate which shall be fixed by the collector of customs of the district.

Sec. 3. Be it further enacted, That in order to ascertain the amount of salvage, on property wrecked, one agent shall be appointed by the wreck-master, in behalf of the salvors, or other by the owner of the property salvaged, or the agent for the same, or in default of those, by the Chief Justice of the county, in which the wreck happens, and the wreck-master, in appointing an arbitrator, shall notify the salvors of such appointment; if a majority of the whole number of salvors, shall refuse to appoint any individual, named and agreed on by the wreck-master, for the salvors, the said wreck-master shall select an individual, and in case of the arbitrators not agreeing, shall choose an umpire, who shall decide between the awardment not being higher than the rates,

ded by the two arbitrators, and from the decision of the arbitration, an appeal to the Court of Admiralty may be taken by either the parties or by any portion of either, if the amount in question be such as, by law, would entitle the party to appeal from a verdict to the District Court, but in such case the party appealing, must notify the opposite party of such intention, within two days of the awardment, appealed from, is made known, otherwise the right to appeal shall be forfeited, and where an appeal is taken, it must not impede the sale of the property wrecked.

c. 4. Be it further enacted, That it shall be the duty of all wreck-masters, in whose district any wreck may occur, to publish, or cause to be published, either in some public journal in said district, or by affixing to the doors of at least three several public houses, in said district, a written, or printed notice, with a description of property, offered at said wreck-master's sale, at least ten days previous to the aforesaid sale.

c. 5. Be it further enacted, That this act take effect from and after its passage.

Approved, February 3rd, 1844.

AN ACT

to amend, in part, and amend an act entitled "An Act for the Corporation of the City of Galveston," approved February fifth, one thousand eight hundred and forty.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the second, fifth, eighth, ninth, tenth and eleventh sections of the act entitled "An Act for the corporation of the city of Galveston," approved fifth February one thousand eight hundred and forty, be and the same are hereby repealed.

c. 2. Be it further enacted, That the administration of the fiscal, prudential and municipal officers of said city,

with the government thereof, shall be vested in one aldermen, one treasurer, and as many subordinate officers as may be deemed necessary, and the council shall be in mentioned, as the city council shall direct.

Sec. 3. Be it further enacted, That so much of the act of said act, above referred to, as prohibits the raising of the mayor's salary, during the time of service of said act, be, and the same is hereby, repealed; and the Board of Aldermen, from and after the passage of this act, shall have the power of allowing the Mayor a salary, which shall not exceed the sum of one hundred dollars per annum.

Sec. 4. Be it further enacted, That the Mayor and Aldermen shall be elected by the duly qualified voters of the said city, voting in five wards, and three aldermen shall be elected from each ward, three from the second, and three from the third ward. The Mayor shall be elected by a plurality of the votes given in, and shall hold his office for one year, from the first Monday in May. Others are elected and sworn into their places, and shall take and subscribe an oath to perform the duties of their office to the best of their abilities, before the Chief Justice, or the judge of the peace resident in said city.

Sec. 5. Be it further enacted, That any free white male citizen, who shall have attained the age of twenty-one years, and shall have resided, at least, twelve months previous to the election, in the limits of the city of Galveston, and who shall have paid a corporation tax, at least ten days previous to the election, shall have, and possess, the right to vote, and to be elected Mayor and Aldermen of said city.

Sec. 6. Be it further enacted, That on the first Monday in the month of March, the qualified voters of each ward shall elect a Mayor and the Aldermen of such ward; all the names of the persons voted for, and the number of votes given for each person, shall be written in words at length; the ward clerk, within twenty-four hours, shall deliver to the persons elected Aldermen, a copy of the record of the election, and shall, forthwith, deliver to the Mayor a certified copy of the record of the election. The Mayor and Aldermen shall examine the copies of the records

s, certified as aforesaid, and shall cause the persons whom they determine to have been elected mayor, by a plurality of the votes given in all the wards, to be notified in writing of his election; and in case the person elected shall refuse to accept the office, the said Board of Aldermen shall issue their warrant for another election; and in case of the vacancy in the office of mayor by death, resignation, or otherwise, it shall be filled for the remainder of the term, by a new election, by a warrant, to that effect, from the Board of Aldermen; in case of a vacancy in the Board of Aldermen, the Board shall order a new election, in the ward in which such vacancy may occur, which election, shall be conducted in the same manner as herein-before provided: The Board of Aldermen elected, on the first Monday of the month of March, shall meet on Wednesday following, when an oath for the faithful performance of their duty, shall severally be administered to them by the Mayor, or any justice of the peace, resident in the city.

Sec. 7. Be it further enacted, That the Mayor of the city of Austin, shall be commissioned by the Chief Justice of said county, and shall have all the powers of an ordinary justice of the peace, in all matters and cases arising under the criminal laws of the State, and shall be authorized, and empowered, to enforce, and carry into effect, such by-laws and ordinance as the corporation of said city shall from time to time ordain.

Sec. 8. Be it further enacted, That the Mayor shall be President of the Board of Aldermen, without a vote, except in cases of his absence; and in case of the absence, or inability, of the Mayor, the Board of Aldermen shall choose one of their own members as President pro tempore, who shall possess all the rights and powers of the Mayor, during such absence or inability.

Sec. 9. Be it further enacted, That in case of the death, removal, resignation, sickness, absence or inability of the Mayor, to discharge the duties of said office, the same shall be performed by the President pro tempore of the Board of Aldermen, during such vacancy, or absence, until a new mayor be elected, as herein-before provided for, and the President pro tem. thus performing the duties of Mayor, during such time, shall be entitled to receive all the emoluments of said office of mayor; and as often as any vacancy may occur

in the city council, it shall be lawful for the person performing the functions of mayor, to direct an election in the case of such vacancy, in which the same may happen, for which the member, whose death, resignation or incapacity caused such vacancy, would have been entitled to serve. The election shall be held and conducted in the same manner as before directed, for the annual election of the several members.

Sec. 10. Be it further enacted, That the words "in the same manner as provided for the election of Recorder," in the last section of the act entitled "An Act for the incorporation of Galveston approved February fifth one thousand eight hundred and forty" be, and the same are hereby repealed.

Sec. 11. Be it further enacted. That the Mayor and Aldermen of the city of Galveston shall have power to levy and collect taxes on all persons and property, both real and personal, in the city of Galveston, provided, however, that the same shall not, in any one year, exceed one-eighth of one per cent advalorem on such property. No tax shall be levied, unless by consent of two-thirds of the Aldermen.

Sec. 12. Be it further enacted, That it shall be the duty of the collector to notify all persons, who shall have a tax assessed against them in the corporation of the city of Galveston, the day on which the same shall become due, and of the place where he shall keep his office, by notice inserted in a newspaper of the city, and posted in each of the most public places of the city, for two months prior to the said day; and it shall be the duty of every person, owning property as aforesaid, to pay the same, or cause to be paid, at the office of the collector, and thirty days after the day, fixed for the payment of the said taxes, the said collector shall hand over to the city of Galveston a list of all such persons as are liable to pay said tax, together with the amounts of the same, and it shall be the duty of said Marshal, on receipt of the said list, to seize upon any property, personal or real, of the owner of such delinquent, or delinquents, and after advertisement in some newspaper in the said city, for ten days, the same to be sold at public auction, to the highest bidder in cash, or so much thereof as will pay such taxes, together with the costs of advertizing and selling: provided, however, that in all cases where the taxes and the costs of advertizing

ious to the day of sale of said property, the marshal shall not but deliver over the property, so seized, to the owner thereof; provided the owner of any real estate, their heirs, assigns or representatives, shall have the privilege of redeeming such estate so sold, within twelve months from the day of said sale, by paying the purchaser, or purchasers, his, her, or their assigns, or legal representatives, or depositing in the city treasury, his, her, or their use, the amount of such taxes, with costs and charges, and an advance of one hundred per cent.

c. 13. Be it further enacted, That the Mayor and Board of Aldermen shall have power to levy and collect an annual license not exceeding those specified in this section, viz: twenty-five cents on all merchants in the city of Galveston who shall vend goods, wares and merchandize, by the wholesale, and an annual license tax of fifteen dollars on all merchants who vend goods, wares and merchandize, at retail, and an additional license tax of ten cents per annum, where spirituous liquors, in quantities of one quart and over, are sold; on all grogshops, tippling houses, or places where spirituous liquors, wines or cordials are sold, in quantities less than one quart, an annual license tax of twenty-five dollars on each billiard table, an annual license tax of twenty dollars; on each nine or ten pin alley, or any game of the kind, an annual license tax of twenty dollars; on each tavern or public boarding house, where spirituous liquors are sold, an additional annual license tax of twenty five dollars; on each restaurant or eating place, an annual license tax of twelve dollars and fifty cents; on each dray, cart, hack, or public carriage, for the carriage of goods, or other articles, or for the conveyance of persons, an annual license tax of five dollars; on each livery stable or stables, where horses are kept for hire, or where horses are kept for hire, an annual license tax of ten dollars; on each person, selling goods, wares or merchandize, at public auction, an annual license tax of thirty dollars.

c. 14. Be it further enacted, That every person, or persons, to whom an annual license tax may be, and, in accordance with the foregoing section, shall be and is hereby required to pay over to the city treasurer, taking his receipt for the same, which receipt shall be presented to the Mayor, and a license, in accordance with the receipt, shall be issued by the Mayor to the party holding said receipt.

Sec. 15. Be it further enacted, That if any person in any avocation, which, by an ordinance of said city to a license tax, without first having obtained said license or they shall be liable to pay one-fourth of the annual license tax, for each and every week, he, she be thus engaged, and in the same proportion for each recovered before any justice of the peace, or the District Court, according to the amount, one-fourth part of which shall be paid to the informer or prosecutor, and the balance to the justice.

Sec. 16. Be it further enacted, That whenever information is lodged before any justice of the peace, on oath or affirmation that there is good reason to believe that any person has been guilty of a violation of the ordinances of said city contemplated in the foregoing section, such justice may issue a warrant against the person or persons, complained of, to appear before him, forthwith, or in the next term of the justice may think proper, and show cause if any, why judgment should not be rendered against him for the penalties incurred by this act; and if found guilty, judgment shall be rendered for the penalty and costs, upon which execution may immediately issue; provided, that either party may appeal to the District Court.

Sec. 17. Be it further enacted, That the Mayor of the said city of Galveston, shall have the power, to propose of establishing and maintaining a hospital, to levy a tax of one dollar from the master, owner or consignee of any vessel, steam-boat or other craft, arriving in the port of Galveston, from a foreign port, the sum of one dollar for every free white passenger on board of such vessel, steam-boat or other craft, they shall have the power to compel all masters, owners of all vessels, steam-boats or other crafts, arriving in the port of Galveston, from any foreign port, to furnish a list of the passengers so arriving, within six hours after arrival, if in the day, and at nine o'clock the following day, if at night, after the arrival, at the office of the Mayor of the city; and any owner or consignee of any vessel, steam-boat or other craft, failing to pay over to the treasurer of the city the sum of one dollar for every free white passenger, arriving in his vessel, steam-boat or other craft, or failing to furnish a list of the passengers

so arriving, within twenty-four hours after their arrival, shall be able to pay a fine of not less than ten, nor more than one hundred dollars, to be recovered as other fines, which fine shall be in addition to the sum of one dollar for each passenger, which may be recovered before any justice of the peace resident in said city; provided, however, that the master, owner or consignee, shall be informed of the existence of the city ordinances, levying such tax, that the Mayor of said city shall have a seal, to be called the seal of the Mayoralty of said city, which shall be affixed to all the official acts of the corporation of said city; he shall, by and with the consent of the Board of Aldermen, appoint all measures, constables, gauges, marshals, wharfingers, scavengers, and other officers and ministers, who shall be directed by any ordinance of said city; he shall superintend the police of said city, and make regulations for the watchmen and guards; he shall take care that the laws of the corporation be duly executed; he shall call meetings of the Board of Aldermen, whenever the affairs of the city shall require it; and no order or resolution of the city council, for the sale or disposal of any public property, or the payment of any monies, shall have any force, if the same be objected to, within twenty-four hours, after the passage thereof, by the Mayor, unless two-thirds of the council agree to pass the same, notwithstanding such objection; and, for that purpose, all such orders or resolutions shall be presented by the said council to the Mayor, immediately after the same be passed; provided, that the provisions of this section shall not apply to resident citizens of Texas.

c. 18. Be it further enacted, That the Mayor of the city of Austin, in addition to the annual salary which may be allowed by the council, shall be entitled to receive for every warrant or commission issued to any officer appointed by him, and for every expense by him granted, the sum of one dollar.

c. 19. Be it further enacted, That a majority of the members of the Board of Aldermen shall constitute a quorum for the transaction of business: said board may enact such ordinances, and by-laws, for the government of said city (not inconsistent with the constitution and laws of the Republic) which may be deemed proper and shall have the full power to impose fines, not exceeding one hundred dollars, for each and every breach of city ordinance or by-laws, or of imprisoning

any person who shall be guilty of a breach of city or a period not exceeding fifteen days.

Sec. 20. Be it further enacted, That in addition to the qualifications necessary for a voter, no person shall be eligible for alderman, who does not possess a real estate, within the said city, of the value of one thousand dollars, according to the tax list.

Sec. 21. Be it further enacted, That from and after the passage of this act, the act of incorporation of the city of Galveston shall consist of so much of the act entitled "An Act for the incorporation of the City of Galveston," approved the 22d of February, one thousand eight hundred and forty, as is not repealed, any laws to the contrary notwithstanding.

Approved February 5th, 1844.

AN ACT

For the relief of Bryan and others.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be, and he is hereby, required to audit the accounts of Bryan, Austin & Co., for twenty-one hundred and sixty-two dollars and sixty-two cents, for supplies furnished by said firm, for the use of the navy.

Sec. 2. Be it further enacted, That the Auditor be, and he is hereby, required to give the said Bryan, Austin & Co., drafts, equal to the above amount, as said Bryan, Austin & Co. may desire, for their convenience; said drafts to specify on their face, that the same shall draw five per cent. interest from the twenty-ninth December, one thousand eight hundred and forty-one, until paid.

Sec. 3. Be it further enacted, That William Bryan, of the said firm, shall be permitted to pay the direct taxes

due from said William Bryan, up to the year one thousand eight hundred forty-five, and that after the year one thousand eight hundred and forty-four, the said William Bryan, shall be permitted to use said drafts for the payment of direct taxes, and impost duties, that may accrue and become due, from said William Bryan individually; and that this act take effect from and after its passage.

Approved, February 5th, 1844.

AN ACT

For the relief of McKinney & Williams.

Whereas, the Government of Texas is largely indebted to Thomas F. McKinney and Samuel M. Williams, for advances made to the Government, by the said McKinney and Williams, during our struggle for independence, and

Whereas, the said McKinney and Williams have made to the Government very liberal propositions in regard to the settlement of said debt; therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the account of the said McKinney and Williams, against the Government, amounting to the sum of fifty-four thousand four hundred and eight dollars and eleven cents, is hereby acknowledged to be just and true; and shall be discharged as follows, to wit: the Commissioner of the General Land-Office shall be, and he is hereby, authorized and required to issue land-scrip, to a sufficient amount, to settle and pay the said claim of McKinney and Williams, of fifty-four thousand four hundred and eight dollars and eleven cents: the said land-scrip to be estimated at fifty cents, per acre, and shall be in such form as shall be approved by the President, and shall be signed by the Commissioner of the General Land-Office, and countersigned by the Secretary of the Treasury,

and shall be issued to said McKinney and Williams, who shall produce to said Commissioner-General of the Land Office a certificate, from the Auditor, that, as appears from the records, no part of said claim for fifty-four thousand four hundred and eighty dollars and eleven cents, has heretofore been allowed to said McKinney and Williams.

Sec. 2. Be it further enacted, That the said land-claims shall be issued in quantities, not less than six hundred and forty acres, nor more than one hundred and twenty acres, and shall be located, surveyed, and patented, agreeable to the laws now in force in the Republic of Texas.

Sec. 3. Be it further enacted, That said McKinney and Williams shall be authorized to surrender to the Secretary of the Treasury any portion of the bonds of the Government held by them, provided, the same shall not exceed the amount advanced to said McKinney and Williams, in par funds, for the use of the Government, to be determined by the Secretary of the Treasury in reference to the records of the nation, and receive, in lieu of the same, land-scrip, as provided in the foregoing sections.

Sec. 4. Be it further enacted, That the expenses of locating the said lands shall be paid by McKinney and Williams.

Sec. 5. Be it further enacted, That this act shall take effect from its passage.

Approved February 5th, 1844.

AN ACT

For the better security of Mechanics and other persons.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That every mechanic, workman, or other person, doing or performing any work, or furnishing any kind of materials, or labor, used towards the erection, construction, or finishing of any building erected under a contract in writing, between the owner and builder, or other person, whether such work, or

be performed, or furnished, as journeymen, laborer, cartmen, contractor, or otherwise, and whose demand for work and labor done and performed, or for materials furnished towards the erection of such building, has not been paid and satisfied, may demand of the owner of such building an attested account of the amount and value of the work, and labor, or materials, thus performed, or furnished, and remaining unpaid, and thereupon, such contractor shall retain out of his subsequent payment to the contractor, an amount of such work and labor, or materials, for the benefit of the person, so performing or furnishing the same.

Sec. 2. Be it further enacted, That whenever any such account for labor performed, or materials furnished, on a building erected under a contract in writing, as aforesaid, shall be placed in the hands of the owner of such building or his authorized agent, it shall be the duty of such owner or agent, to furnish his contractor with a copy of such papers, in order, that if there shall be any disagreement between such contractor and his creditor, they may, by amicable adjustment, between themselves, or by arbitration, ascertain the true sum due, and if the contractor shall not, within ten days, after the receipt of such papers, give the owner written notice, that he intends to dispute the claim, or if in ten days after giving such notice, he shall refuse, or neglect, to have the matter adjusted, as aforesaid, he shall be considered as assenting to the demand, and the owner shall pay the same when it becomes due.

Sec. 3. Be it further enacted, That if such contractor shall dispute the claim of his journeyman, or other persons, for work and labor performed, or materials furnished, as aforesaid, and if the matter cannot be amicably adjusted, between themselves, it shall be submitted, on the agreement of the parties, to the arbitration of three disinterested persons, one to be chosen by each of the parties, and a third, by the two persons thus chosen, and the decision in writing of such three persons, shall be final and conclusive in the case submitted.

Sec. 4. Be it further enacted, That whenever the amount due shall be adjusted and ascertained as above provided, and the contractor, shall not, within ten days, after it is so adjusted and ascertained, pay the sum due to his creditor, with the costs incurred, the owner shall pay the same out of the building, as above provided, and which amount due may be re-

covered from the said owner by the creditor of such contractor, in an action for money had and received, to the use of said creditor, and to the extent in value of any balance due by the owner to his contractor, under the contract with him, at the time of the first notice given, as aforesaid, or subsequently accruing to such contractor, under the same, if such amount shall be less than the sum due from the said contractor to his creditor.

Sec. 5. Be it further enacted, That if, by collusion or otherwise, the owner of any building, erected by contract in writing, as aforesaid, shall pay to his contractor any money in advance of the sum due on said contract, and if the amount still due to the contractor, after such payment has been made, shall be insufficient to satisfy the demand made, in conformity with this act, for work and labor done and performed, or for materials furnished, the owner shall be liable to the amount that would have been due at the time of his receiving the account of such work or materials, in the same manner as if no such payment had been made; provided, that the provisions of this act shall only apply to incorporated cities.

Passed, February 5th, 1844.

AN ACT

More permanently to establish the County-Seat of Bowie County.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the town of Boston, having received the highest number of votes given for any place within five miles of the centre of the territory, designated in the sixth section of an act, authorizing the location of said county-seat, approved seventeenth December, one thousand eight hundred and forty, be and the same is hereby declared the permanent seat of justice for the county of Bowie.

Approved, February 5th, 1844.

JOINT RESOLUTION

For the relief of certain disabled Seamen and Landsmen.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a certain sum of money be, and the same is hereby, appropriated for the following disabled seamen, marines and landsmen, killed in the action of sixteenth of May last, off the coast of Texas, or such of them as may be yet living, to receive the one-half of what would be the full pay of each of the hereinafter named individuals, according to his respective station, at the time they were so wounded, Dick Streachout and Thomas Atkins.

Section 2. Be it further resolved, That the Secretary of the Treasury, and he is hereby, required to pay, semi-annually, the above named pension of half-pay, on application of either of the above named persons, or their accredited agents, or attorneys, said pension to commence and take date from the time of said individuals being so disabled.

Section 3. Be it further resolved, That this joint resolution take effect and be in force from and after its passage.
Approved February 5th, 1844.

JOINT RESOLUTION

For the relief of Holland Coffee.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a certain auditor be, and he is hereby, authorized, and directed, to audit and allow the account Holland Coffee, for the sum of one thousand two hundred and thirty-six dollars and eighty cents, upon his producing the proper vouchers, which said draft shall be receivable, for land scrip, and placed on the same terms and provisions, as provided by law, for

the redemption of the promissory notes of the Government, in an act, passed the fifth day of February, one thousand eight hundred and forty-one "authorizing any holder of promissory notes, bonds, funded debt, or any other liquidated claims against the Government, to surrender the same, and receive in lieu thereof land-scrip."

Approved, February 5th, 1844.

JOINT RESOLUTION

For the relief of Edward Dwyer.

Whereas, in the year A. D. one thousand eight hundred and forty-one, Edward Dwyer imported into Port Calhoun, at Port La Vaca, certain goods &c., and paid the duties thereupon, amounting to two hundred and thirty-nine dollars and ninety-three cents, and afterwards re-shipped and carried the same goods to the United States of America, to avoid their falling into the hands of the public enemy; and

Whereas, the said Edward Dwyer subsequently imported, a second time, into the same port, the same goods &c., paying thereupon, a second time, the above-mentioned sum of two hundred and thirty-nine dollars and ninety-three cents, which is not equitable; therefore

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the said Edward Dwyer be, and he is hereby, allowed to import into port Calhoun, port La Vaca, goods &c., free of duty, the duties upon which shall not exceed the sum of two hundred and thirty-nine dollars and ninety-three cents.

Sec. 2. Be it further enacted, That this resolution take effect from and after its passage.

Passed February 5th, 1844.

AN ACT

To open and establish a National Road.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Wilson, William M. Williams, of the county of Lamar, John y, of the county of Fannin, Rowland W. Box, of the county of Harrison, and James Bradshaw, of the county of Nacogdoches, and they are hereby, appointed commissioners to view, mark, lay out, a road to be called "The Central National Road of the Republic of Texas," from the main Trinity River, beginning at, herein, fifteen miles below the mouth of the Elm Fork of said river; thence the nearest and best route to the bank of Red River, to the mouth of the Kiamisha.

2. Be it further enacted, That George W. Stell, of the county of Lamar, be, and he is hereby, appointed a surveyor to view and measure said road agreeable to the provisions of this act and the directions of said commissioners.

3. Be it further enacted, That it shall be the duty of said commissioners, so soon as they complete the marking of said road, during the time they are performing that duty, to notify the surveyor of the same, whereupon it shall be the duty of said surveyor, so soon as he may receive such information, to proceed to view and measure said road; beginning and measuring from the bank of said Trinity River, and shall erect mile-posts of good material and number the same, and shall also note all water-courses which said road shall pass, giving their width and general direction; and when completed, it shall be the duty of said surveyor, as soon thereafter as may be convenient, make out a complete map of said road, to be delivered to the said commissioners, and also transmit a copy of the same to the Commissioner of General Land-Office, and it shall be the duty of said commissioners so soon as the said surveyor shall deliver to them a map of said road, to proceed to let out the cutting and opening of said road by contract, and for the completion of which the contractors or undertakers shall be paid in the public treasury of the Government, in the manner hereinafter to be spe-

cified; provided, the whole amount for opening and superintending the opening of the road shall not exceed one hundred and sixty acres of land for each mile.

Sec. 4. Be it further enacted, That it shall be the duty of every person, or persons, who may take a contract, or contracts, upon said road to enter into bond and security in a sum equal to the supposed value of the land, which he, she or they shall be entitled to, for said work, payable to said commissioners and their successors, conditioned for the faithful performance of the contracts, on their respective parts, and provided, said contractors, or undertakers, should fail to comply with the contract, so made, he, she or they, shall forfeit and pay said amount, to be recovered before any court having jurisdiction thereof, and all such forfeitures shall, when collected, be appropriated to the use and benefit of the said road, but said bonds to be void upon condition that said undertaker, or contractors, do well and truly execute the work, agreeably to contract, in which event, it shall be the duty of the commissioners to issue a certificate to the one having completed the same, which shall be authority to the Commissioner of the General Land-Office to issue a patent for the same.

Sec. 5. Be it further enacted, That so soon as said road shall be viewed and marked, as heretofore provided, it shall not be lawful for any person, or persons, to locate any lands within five miles of said road, for the space of six months, except those who are engaged in the opening or superintending the same, and they shall only be entitled to locate such as they shall be entitled to, under the provisions of this act.

Sec. 6. Be it further enacted, That the surveyor shall be entitled to twelve hundred and eighty acres of land for surveying and performing other duties as heretofore required, to be located upon any of the unappropriated lands of this Republic, and a certificate assigned by a majority of said commissioners of his having performed all the duties of surveyor, as is by this act required, shall be full and legal authority for the Commissioner of the General Land-Office to issue a patent, or patents, for the same.

Sec. 7. Be it further enacted, That each hand, or assistant surveyor, engaged in the surveying said road, shall be entitled to six hundred and forty acres of land; provided, not more than five hands or assistants shall be engaged in said work,

e located and patented in the same manner as provided for principal surveyors; provided, that the principal surveyor shall certify to said commissioners that said assistant or claimant did and truly perform the duties of assistant surveyor.

c. 8. Be it further enacted, That each commissioner appointed who may be appointed under the provisions of this act, shall be entitled to six hundred and forty acres of land; provided, that but those who actually serve shall be entitled to the benefit of this section, to be located and patented in the same manner provided in the preceding section, for the surveyor and his assistant; provided, they shall, before the Chief Justice of some of the counties of this Republic, make oath that he or they have performed the duties required of them, agreeably to the provisions of this act, in which case, the said Chief Justice shall certify to the same as stated, or deposed, officially, which certificate, together with the certificate of at least one of the commissioners, shall be authority for the issuing of patents for the same.

c. 9. Be it further enacted, That should either of the commissioners appointed by this act, fail or refuse to perform the duties as herein required of him or them by this act, it shall be lawful for a majority of the same to appoint one in his stead, and should more than two fail or refuse to perform said duties, it shall be the duty of the Chief Justice of the county in which said commissioner resides, to appoint one in his stead, who shall have all the benefits and privileges that would, otherwise, have accrued to the original.

c. 10. Be it further enacted, That should the surveyor appointed by this act fail or refuse to perform the duties herein required, it shall be the duty of said commissioners to appoint one in his stead to perform the same, in which event he shall be entitled to all the benefits and privileges that would otherwise have accrued to the original.

c. 11. Be it further enacted, That in all cases, a majority of said Commissioners shall be deemed sufficient to transact any business, appertaining to the provisions of this act.

c. 12. Be it further enacted, That it may be lawful for the surveyor to make any survey, upon application, upon claim, originating, under the provisions of this act, and

none other, and provided that said survey be connected to said road.

Sec. 13. Be it further enacted, That every person or persons taking a contract for the opening of said road, shall have a preference to locations, on one side of the road within the limits of their respective precincts, or contracts, but in no case shall any of the surveys, made under the provisions of this act, extend across said road, and provided also, that no survey made under the provisions of this act shall be for less than six hundred and forty acres.

Sec. 14. Be it further enacted, That it shall be the duty of the commissioners to specify in all contracts, made with individuals, for the opening of said road, to specify how said road shall be cleared out, the width of the same, which shall be at least thirty feet wide, and all stumps shall be cut within twelve inches of the surface of the earth, and that all bridges shall be at least fifteen feet wide, and built of good substantial materials, and all contracts shall be completed by the first day of January, one thousand eight hundred and forty-five.

Sec. 15. Be it further enacted, That no patents shall issue for any lands, granted under the provisions of this act, until all the work shall be completed as provided by this act, and a certificate of the fact, certified to by a majority of the commissioners, and deposited in the General Land-Office, shall be sufficient evidence of the work having been completed.

Sec. 16. Be it further enacted, That the foregoing section shall not be so construed as to prevent those who may be engaged in the opening, or superintending the surveying, marking and opening said road, from having the lands to which they would be entitled to, located; provided said work shall be completed, and that this act take effect from and after its passage.

Approved, February 5th, 1844.

AN ACT

For the protection and encouragement of the Commerce of the Republic of Texas.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That and after the passage of this act, the collectors of the customs of this Republic shall be required to lay upon and collect from all foreign vessels, belonging to powers, between which and this Republic no treaty exists, making other provisions, a tonnage duty of one dollar per ton.

Section 2. Be it further enacted, That vessels, bearing the flag of the Republic, have the exclusive privilege of the coasting trade, and that they be free from the charge of tonnage duties on arrival in any ports of this Republic; and that all laws contravening the provisions of this act, be and the same are hereby, repealed.
Approved, February 5th, 1844.

AN ACT

For authorizing the appointment of additional Notaries Public.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled. That there shall be appointed one additional Notary Public, for the county of Montgomery, and two additional Notaries Public, for the county of Liberty, also, one additional Notary Public for Jefferson county, also two additional Notaries Public, for the county of Jasper, also, one additional Notary Public for the county of Harrison,—to be appointed in such manner as prescribed by law, and that this act take effect from and after its passage.
Approved, February 5th, 1844.

AN ACT

Making appropriations for the support of the Government for the year one thousand eight hundred and forty-four.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the following sums be, and they are hereby, appropriated for the service of the Government, for the year, one thousand eight hundred and forty-four, to wit:

For pay and mileage of members of the eighth Congress, ten thousand dollars.

For pay of Chief Clerk of the House of Representatives, during the recess of Congress, seven hundred dollars.

For contingent expenses of the eighth Congress, two thousand dollars.

For compensation of the President of the Republic, five thousand dollars.

For compensation of the Vice-President of the Republic, one thousand dollars.

For compensation of the President's Private Secretary, seven hundred and fifty dollars.

For contingent expenses of the Executive Department, two thousand five hundred dollars.

For compensation of the Secretary of State, one thousand five hundred dollars.

For contingent expenses of the State Department, five hundred dollars.

For hire of porters, subject to the control of the Secretary of State, two hundred dollars.

For contingent expenses of Post-office Bureau, such as printing, fuel, mail-bags, mail-locks, &c., five hundred dollars.

For transporting the mails for the year 1844 and part of 1845, twelve thousand dollars, and all the monies arising from the receipts of the Post-Office Bureau.

For compensation of the Secretary of the Treasury, one thousand five hundred dollars.

For contingent expenses of the Treasury Department, four hundred dollars.

for compensation of the Comptroller, one thousand dollars.
for contingent expenses of the Comptroller's office, including
issuing treasury warrants, one hundred dollars.
for compensation to the Treasurer, one thousand dollars.
for contingent expenses of the Treasurer's office, one hundred
dollars.
for compensation to the Auditor, one thousand dollars.
for contingent expenses of the Auditor's office, one hundred
dollars.
for compensation of the Secretary of War and Marine, one thou-
sand five hundred dollars.
for contingent expenses of the War Department and Naval Bu-
reau, eight hundred dollars, including two hundred dollars for
debts unpaid, contracted the year 1842.
for compensation of the Attorney-General, one thousand dol-
lars.
for contingent expenses of the Attorney-General's office, one
hundred and fifty dollars.
for compensation of the Commissioner of the General Land-
Office, one thousand five hundred dollars.
for compensation to the Draftsman of the General Land-Office,
one hundred and fifty dollars.
for contingent expenses of the General Land-Office, five hun-
dred dollars for the pay of portage, fire-wood, repairs of office
stationery, and eight hundred dollars for the pay of surveying
scrips, four hundred dollars for the pay of connecting sur-
veys, twelve hundred dollars for the pay of county maps, fourteen
hundred dollars for the pay of two additional assistant clerks. The
other expenses of the Land-Office are not to be allowed or paid,
unless the office is kept open for the transaction of business.
for compensation for sixteen clerks employed in the various De-
partments and Bureaux, to wit: five clerks for the Land-Office,
two clerks for the State Department, two clerks for the Treasury
Department, one clerk for the Comptroller, two clerks for the
War and Navy Department, two clerks for the War and Navy Depart-
ment, and one clerk for the Auditor's Department—eleven thou-
sand six hundred dollars, to be paid at the same rate as allowed
in 1843, provided the Chief Clerk of the State Department shall
receive the five hundred dollars as head of the Patent Office
Bureau.

For compensation of two Chargé d'Affaires, nine thousand dollars.

For compensation to Capt. of Ordnance, Armorer, and laborers, employed in the Ordnance Department, one thousand dollars.

For contingent expenses of Ordnance Department, including transportation of military stores &c., from different points of the public depot, and for fuel, lights, materials for the fabrication and repair of arms &c., one thousand dollars, subject to the Secretary of War and Marine.

For compensation of the Chief Justice of the Republic and seven associate judges, fourteen thousand dollars.

For contingent expenses of the Supreme Court, five hundred dollars, subject to the order of the Chief Justice.

For compensation to the Clerk of the Supreme Court, five hundred dollars.

For compensation of seven District Attorneys, for the year 1844, one thousand seven hundred and fifty dollars.

For pension of Joseph Cecil, three hundred dollars, payable quarterly.

For compensation to the Secretary of Legation to the United States, two thousand dollars.

For Indian purposes, subject to the control of the President, ten thousand dollars.

For compensation of Commissioners to Mexico and pay of necessary expenses connected with said commission including pay, and expenses already incurred, five thousand dollars.

For compensation to the Chaplains of the eighth Congress, three hundred and sixty dollars.

Sec. 2. Be it further enacted, That the Secretary of the Treasury is hereby authorized to appoint an agent to enquire into the condition of the custom-houses, and other revenue offices, whose duty it shall be to make settlements with all officers, who are receivers of public dues, throughout the Republic, under such instructions as may be furnished him by the Secretary of the Treasury, and to receive the public money, collected by them, or that may, hereafter, be collected by said officers, respectively; said agent to be appointed by the Treasury Department, and shall receive as compensation the same pay as allowed to Chief Clerks of Departments, for

time actually engaged in said agency, and his necessary travel-expenses, and the sum of twelve hundred and fifty dollars, is by appropriated to carry into effect the objects of this sec-

c. 3. Be it further enacted, That the Secretary of the Treasury, and he is hereby required to issue exchequer bills to pay foregoing appropriations, and after the first of March next, no more exchequer bills shall be issued, until the amount in circulation shall be reduced to the sum of twenty thousand dollars, and the amount shall be reduced to that sum, or below it, that amount may be kept in circulation and no more, and the said Secretary of the Treasury is hereby required to have destroyed, in accordance with the provisions of a joint resolution approved January 29th 1842 entitled "A Joint Resolution prescribing the manner in which the liabilities of the Government shall be destroyed," the exchequer bills now afloat, as they may be received into the Treasury, over the amount of twenty thousand dollars, which are allowed by this section to be kept in circulation, and that the Secretary of the Treasury be also required to have destroyed, in the manner pointed out in the above-recited joint resolution, all exchequer blanks now on file in his Department.

c. 4. Be it further enacted, That the unexpended balance of appropriations for the salaries of officers of the Government for the year 1843, are hereby cancelled, except in cases where services have been performed.

c. 5. Be it further enacted, That the compensation allowed by this act to the officers of the civil list, shall be computed from the first day of December 1843, or from their appointment.

c. 6. Be it further enacted, That all auditor's certificates, for paying the mails, endorsed by the Secretary of the Treasury, shall be received in payment of direct taxes, due the Republic, at the same rates as exchequer bills are received for the same dues.

c. 7. Be it further enacted, That four thousand dollars be appropriated, or so much thereof as may be necessary to Cruger and Moore, agreeably to their propositions to this Congress, provided, they print, and deliver to the Secretary of

State the laws, within forty days, and the journals, within sixty days, after copies are delivered to them, from the State Department.

Sec. 8. Be it further enacted, That this act shall take effect from and after its passage.

Approved February 5th, 1844.

JOINT RESOLUTION

To revive a certain Act therein named.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That an act, approved January sixteenth, one thousand eight hundred and forty-three, entitled "An Act authorizing an additional compensation to be paid to certain officers of the Civil List," be, and the same is hereby revived, for the year one thousand eight hundred and forty-four, and that a sufficient amount is, hereby, appropriated to make up the deficit (if any there be) in the general appropriation bill, for the year one thousand eight hundred and forty-four, and that this joint resolution take effect from and after its passage.

Approved, February 5th, 1844.

JOINT RESOLUTION

Authorizing the President to commission a Major-General of Militia.

Whereas, no returns of election have been received at the State Department, from several counties of this Republic, for Major-General of Militia, as provided for by an act passed the sixteenth January, one thousand eight hundred and forty-three, therefore,

ction 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That President be, and he is hereby, authorized to commission as Major-General of Militia of the Republic, the person who received the highest number of votes for that office on the fourth day of November last, according to the returns received at the State Department, up to the first day of January one thousand eight hundred and forty-four.

Approved, February 5th, 1844.

AN ACT

Regulating Elections.

ction 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Chief Justice and the Associate Justices, in each county of the Republic, shall designate election precincts at the most suitable places for holding elections in their several counties; and it shall be the duty of the Chief Justices of the counties, to issue writs of election to the several precincts established, appointing a presiding officer in each, to hold the elections, stating specifically the writs, the officer or officers to be elected, and the day on which the election shall take place.

c. 2. Be it further enacted, That the Secretary of State be, and he is hereby, required to furnish the Chief Justice of each county in this Republic, with a form of the returns of elections, which form, shall be filed in the office of said Chief Justices, who shall furnish the presiding officer of each election precinct, with a copy, whenever a writ of election shall issue.

c. 3. Be it further enacted, That the presiding officer, and three judges and two clerks of the election, to be appointed by the court, shall be managers of the election, and shall be sworn, before entering upon the duties of their office "to conduct the election without partiality or prejudice, and agreeably to

law:" and in the event that either of the managers, thus appointed, shall fail to attend, or refuse to act, it shall be lawful for the voters, at the place of opening the polls, to appoint persons to supply such vacancies, and if there be no justice of the peace present, the presiding officer shall swear the other managers, and one of them shall administer the oath to him, which shall be as legal as if done by a judicial officer.

Sec. 4. Be it further enacted, That the polls shall not be opened before nine o'clock A. M., nor closed before three o'clock P. M., and no adjournment shall be had during the day, by the managers, for more than one hour, at any one time, of which proclamation shall be publicly made.

Sec. 5. Be it further enacted, That each of the clerks shall write and number the name of each voter, at the time of his voting, and in case the voter, from not residing in the precinct, or from any other cause, should not be entitled to vote for all the officers that the election is held for, at that precinct, the clerks shall set down against his name, the officer or officers for which he is entitled vote; and for the purpose of afterwards purging the polls, in case of disputed elections, one of the managers shall, at the time of receiving the vote, write upon the back of it the voter's number, corresponding to the clerks' lists; and no manager shall unfold or examine a ticket received from a voter, and they shall also carefully avoid examining the endorsements on the tickets, when the votes are counted out, or any time subsequent to their being received in the ballot box.

Sec. 6. Be it further enacted, That immediately after closing the polls, the managers of the election shall proceed to count the votes, and make out a correct return, signed by the managers, which shall be sealed up and delivered to the Chief Justice of the county, by one of the managers, upon oath, before the return day of said election; a duplicate of which return, shall be kept by the presiding officer; the tickets voted, shall be sealed up in the returns to the Chief Justice, and shall be preserved by him, until any contest respecting said election shall have been decided, as herein-after provided for, or the time in which said contest should take place, shall have elapsed without a contest, when the tickets shall be destroyed.

Sec. 7. Be it further enacted, That when a man offering to vote, shall be objected to, the managers shall examine him

oath, touching the points objected to, and if he fail in establishing his qualification to their satisfaction, his vote shall be rejected; and if any person shall vote for any officer, or officers, more than one time, in the same day, he shall be liable to indictment, and upon conviction before any competent tribunal, shall forfeit and pay for every such offence, not less than fifty dollars, nor more than five hundred dollars, to go to the county treasury.

Sec. 8. Be it further enacted, That the Chief Justice, shall give at least ten days notice of every election, except in cases of vacancy in members of Congress, when five days notice shall be given to the different precincts, upon the receipt of the President's proclamation for filling said vacancy, by an advertizement, in manuscript, in each precinct, or newspaper, if any be printed in the county, and when the office of any civil officer belonging to the county, shall become vacant, by death, resignation, or otherwise, the Chief Justice, shall immediately order a new election to be held, to fill the office; the return day of elections, shall be the tenth day thereafter, when the Chief Justice shall open the returns, and give a certificate of election to the one having the highest number of votes; when the election is for senator, the chief justices who are authorized to grant certificates, shall send complete returns of the senatorial elections in their respective counties, immediately after examining the same, to the Chief Justice of the county authorized to give the certificate, and said Chief Justice, so authorized, shall upon the twentieth day after the election, which is the return day for senatorial elections, open and examine said returns, and give a certificate of election to the one, having the highest number of votes; when returns are to be sent from one county to another, it may be done by mail free of postage, the packet being marked on the outside as containing the returns of the election specified.

Sec. 9. Be it further enacted, That whenever it shall so happen, in an election for any office, that there is a tie between two or more candidates, the Chief Justice, to whom the returns are made, shall declare such election null, and immediately order a new election for that office.

Sec. 10. Be it further enacted, That any person wishing to contest any election, shall notify the person holding a certificate of election, within ten days after the return day, and deliver, or cause to be delivered to him, in writing, a state-

ment of the grounds upon which he relies to sustain the same, or in case the candidate elect, cannot be found, the notice and statement, to be left at his usual place of abode, and the Chief Justice and Associate Justices of each county, or a majority of them, shall constitute a tribunal to try the validity of the election of any civil or county officer, (always excepting members of Congress) who shall convene as soon as convenient, after due notice given to the parties concerned, and examine all the testimony, and if any votes shall be found to be illegal, they shall find among the tickets by the endorsement on the same, the one so proven to be illegal, and subtract the votes therein contained from the whole amount, and after a full and fair investigation, they shall decide to whom the office belongs, or set the election aside, and order a new one.

Sec. 11. Be it further enacted, That any returning officer who shall fail to make his returns, within the time prescribed by law, shall be liable to a penalty of one hundred dollars, to be collected in the usual way of collecting fines and forfeitures, on information, and the same to be appropriated to the use of the county.

Sec. 12. Be it further enacted, That returning officers shall be entitled to three cents per mile in going to, and returning from the county seat, to make returns of elections, to be paid out of the county treasury, upon the certificate of the Chief Justice.

Sec. 13. Be it further enacted, That all laws and parts of laws, in any-wise, conflicting with the provisions of this act, except so far as they relate to elections for depopulated counties, be, and the same are hereby repealed; and that this act take effect from and after its passage.

Approved February 5th, 1844.

AN ACT

authorizing the Secretary of War and Marine, to contract for keeping the Navy in ordinary.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of War and Marine be, and he is hereby, authorized to receive proposals for keeping in ordinary the following vessels of the navy of this Republic, to wit: the ship Austin, brigs Wharton, Archer, and schooner San Bernard.

Section 2. Be it further enacted, That any contract entered into for the keeping of said vessels in ordinary, shall continue for one year from the date thereof, unless said vessels shall be sooner ordered for the public service, in which event, the party or parties, contracting, shall be paid according to contract, for the time he, they, may have kept them.

Section 3. Be it further enacted, That the Secretary of War and Marine is, hereby, required to take bond with good and sufficient security, from the party, or parties, contracting, conditioned for the faithful performance of such contract as may be entered into under the provisions of this act.

Section 4. Be it further enacted, That the sum of fifteen thousand dollars be, and the same is hereby, appropriated to carry this act into effect.

Section 5. Be it further enacted, That the act approved 16th January 1843, authorizing the sale of the navy, be, and the same is hereby, repealed.

Section 6. Be it further enacted, That if the Secretary of War and Marine shall not be able to make a contract, according to the provisions of this act, then, and in that case, the Secretary of War and Marine shall have power to apply the amount appropriated for the keeping of the navy in ordinary, under his directions.

Section 7. Be it further enacted, That this act take effect from and after its passage.
Approved February 5th, 1844.

AN ACT

Making appropriation for the part pay of Officers and Seamen of the Navy.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of sixteen thousand dollars be, and the same is, hereby, appropriated, for the part pay of the officers of the navy.

Sec. 2. Be it further enacted, That the above amount shall be divided, pro rata, for services rendered, since the first day of January, one thousand eight hundred and forty-two, to the thirty-first day of December one thousand eight hundred and forty-three; and the Auditor of Public Accounts is, hereby, authorized and required to audit the accounts of officers of the navy upon presentation, the same being duly certified and approved by the Secretary of War and Marine.

Sec. 3. Be it further enacted, That the Auditor shall determine the aggregate of pay due the officers of the navy, from official returns, now on file in this office.

Sec. 4. Be it further enacted, That the further sum of one thousand eight hundred dollars be, and the same is hereby, appropriated, for the pay of Seamen of the navy; provided, that no appropriation, herein made, shall extend to the payment of claims, other than those in the hands of original claimants.

Sec. 5. Be it further enacted, That this act take effect from and after its passage.

Approved, February 5th, 1844.

JOINT RESOLUTION

For the relief of Texian Prisoners in Mexico.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and is hereby authorized and required, forthwith, to employ any means in the reach of the Govern-

to feed and clothe our unfortunate countrymen, prisoners of war, who are, at present, starving in the prisons of Mexico; and the amount of fifteen thousand dollars be, and the same is hereby appropriated to carry into effect the provisions of this act, and all other acts upon this subject; and this act take effect from and after its passage.

Approved, February 5th, 1844.

AN ACT

to prescribe the duties of District Judges, in regard to charging the jury.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That when the argument of a cause is concluded and before the jury retires from the bar, it shall be lawful for the attorney of either party to present in writing such charges as he desires to be given to the jury, which the judge shall deliver to the jury in whole or in part, or refuse to deliver the same, as he may think proper, and where any portion of such charge is refused to be given, the judge shall write down distinctly what portions of the same he gives to the jury, and what portions he refuses, subscribing his name thereto, all of which papers shall be filed by the clerk, and shall constitute a part of the records of the case, and should any decision of the judge, thus made, be erroneous, the same shall be taken into consideration of, in the appellate court in the same manner as if a regular bill of exceptions had been signed, provided, that the judge may charge the jury, on such other points of law, as he may think proper, any law to the contrary notwithstanding; and this act shall take effect from and after its passage.

Approved, February 5th, 1844.

JOINT RESOLUTION.

To establish a Tribunal for the impartial trial of Post Captain E. W. Moore and others.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it is due to Post-Captain E. W. Moore, to have a full, fair and impartial investigation of the charges, upon which an order was issued, dismissing him from the naval service of the Republic, and as a court-martial is the proper and legitimate tribunal for such investigation, and as such court cannot be convened, composed of naval officers, it is hereby made the duty of the Secretary at War and Marine to convene as soon as practicable, a court-martial, composed of the Major-General of the Militia and at least two Brigadier-Generals, and other officers, next highest in grade in office, which shall constitute a naval court-martial for the investigation of the charges against the said Post-Captain, E. W. Moore, and said court-martial shall be governed by all the rules and regulations governing naval courts-martial.

Sec. 2. Be it further resolved, That the Secretary at War and Marine is required to furnish the said Post-Captain E. W. Moore, with a copy of the charges and specifications against him, a copy of which shall also be furnished to said court, when it shall have convened.

Sec. 3. Be it further resolved, That the members of the said court-martial shall receive two dollars per day, for each day they may be in attendance, upon said court-martial, and two dollars for each twenty-five miles, in travelling from, and to, their places of residence, and ——— dollars is hereby appropriated to carry this resolution into effect.

Sec. 4. Be it further resolved, That the provisions of the foregoing resolution be applied to the case of Commander J. T. K. Lothrop, and all others, dismissed from the naval service, without a trial by court-martial, since the nineteenth day of July, one thousand eight hundred and forty-three, and that the Secretary at War and Marine, furnish all such officers with the charges and specifications against them, and that they have a trial by said court-martial.

Approved February 5th, 1844.

AN ACT

To suppress Private Banking.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That laws, granting to any individual, individuals or corporations, authority to issue either bills or promissory notes, to pass and circulate as money, is hereby repealed, and the authority to issue either bills or promissory notes, or any other instrument in writing, in print, hieroglyphics or engraving, to circulate as money, is hereby abrogated.

Sec. 2. Be it further enacted, That should any individual, or individuals, or corporation, issue any bill, promissory note, or other instrument to circulate as money, such offending individual, or individuals, or members of a corporation, violating this act, shall, on conviction thereof, by indictment, for each offence, be fined the sum of five hundred dollars, and be imprisoned not less than three months, nor more than twelve months; and it is, hereby, made the special duty of the judges of the district courts of this Republic, to give this act in charge to the grand juries of the several counties, at the beginning of each term of said courts, and all laws and parts of laws coming in conflict with this act, be and the same are hereby, repealed.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage.

Approved, February 5th, 1844.

REPUBLIC OF TEXAS, }
Department of State. }

I, the undersigned, Secretary of State of the Republic of Texas, do certify that the regular session of the eighth Congress of said Republic, adjourned on the fifth day of February, A. D. one thousand eight hundred and forty-four.

[L. s.] Given under my hand and seal of office, at
Washington, the eighth day of February, A. D. one thousand eight hundred and forty-four.

ANSON JONES.

NOTE.—the laws in the foregoing volume, which were signed by the President, are designated by the word "Approved;" those which were returned to the State Department without his signature, and became laws by lapse of time, by the word "Passed;" and those which were vetoed and passed, by the words "Passed by a constitutional majority."

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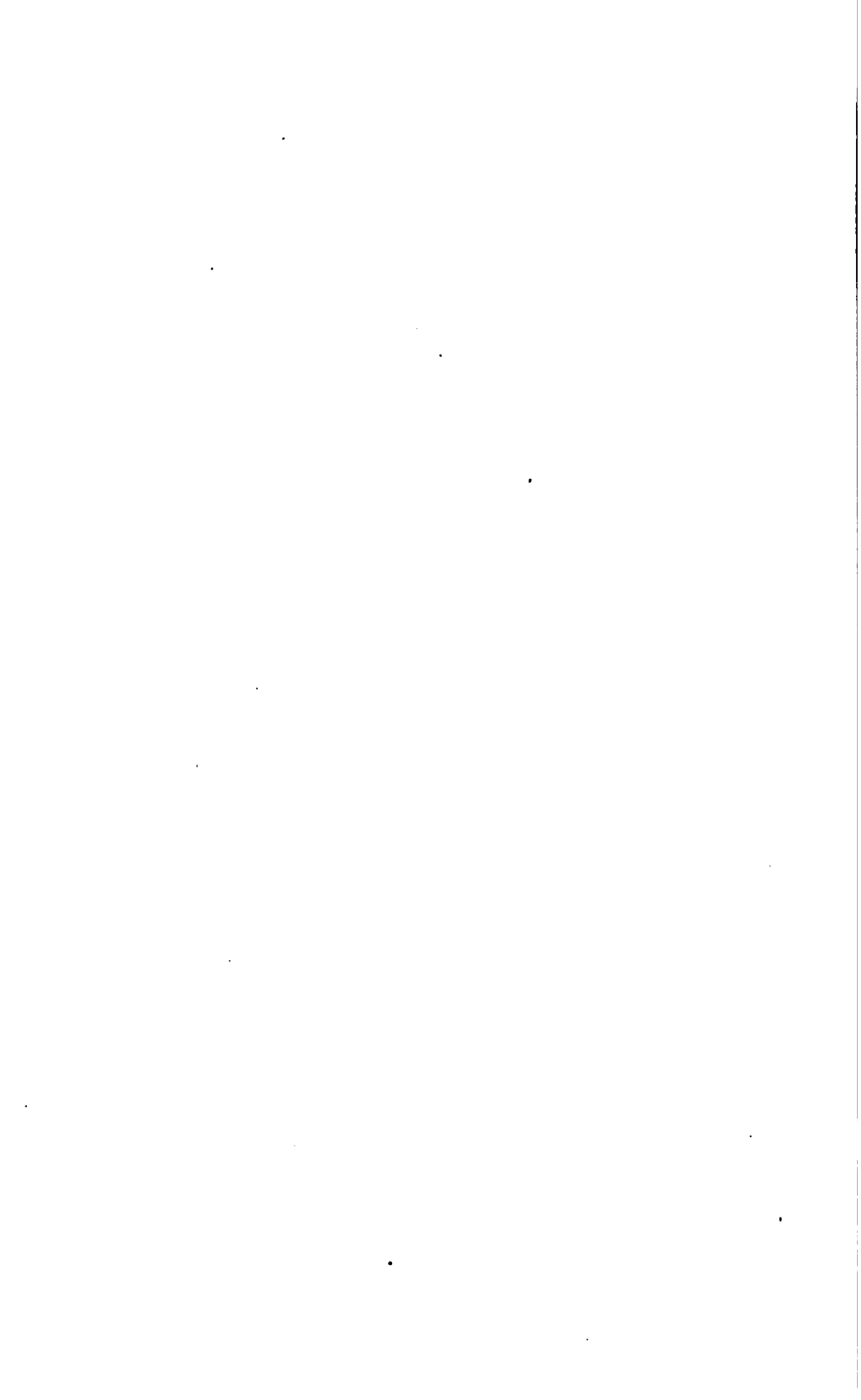
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ABSTRACT
OF
PRIVATE ACTS AND JOINT RESOLUTIONS

PASSED BY THE EIGHTH CONGRESS.

A

“Joint Resolution for the relief of Daniel Alexander,” approved February 5th, 1844—directs the Commissioner of the General Land-Office to issue to Daniel Alexander, assignee of Samuel Moore, a patent for three hundred and sixty-nine acres of land, upon the augmentation of said Moore’s headright, upon proof of assignment and loss of the same.

B

“An Act legitimatizing certain children therein named,” approved January 27th 1844—declares Nancy Jane, and Sarah Bourland, the issue of James Bourland and Mary Rochels, to be legitimate, and lawful heirs of James Bourland, and capable of inheriting.

“A Joint Resolution for the relief of Thomas Bristow,” passed January 16th, 1844—directs the Commissioner of the General Land-Office to respect, as fully as if the same had been recommended by the Board of Travelling Commissioners, the certificate, in favor of Thomas Bristow, issued by the Board of Land Commissioners of the county of Shelby, for

two-thirds of a league and labor of land, the same being a part of the head-right claim of the said Thomas Bristow.

C

"An Act transferring a certain appropriation made the twenty-seventh of January, one thousand eight hundred and forty-two, for the redemption of son and nephew of J. Cox," passed January 12th 1844—places at the disposition of William Cox the amount of an appropriation "made in an act," approved January 27th 1842, for the redemption of certain Texian prisoners.

D

"An Act for the relief of Parker S. Doss," passed January 6th 1844—directs the Commissioner of the General Land-office to issue to the said Doss a head-right certificate for one league and labor of land.

"An Act to legitimate certain children therein named," approved January 14th 1844—declares Mary Dunn and Martha Dunn, the issue of Thomas Dunn and his wife, Eliza Dunn, legitimate, and capable of inheriting.

G

"An Act for the relief of Maria Jesusa Garcia," approved February 1st 1844—gives to the said Maria Jesusa Garcia a pension of one hundred dollars, per annum, for and during the period of her natural life, to commence from and after the first day of January 1843.

"An Act for the relief of Monia E. Goodwin, Louisiana Harris, Eliza V. Harris, and other heirs of Robert W. Harris, deceased," approved February 3d 1844—requires the Commissioner of the General Land-office to issue a certificate, for three hundred and twenty acres of land, to the said Monia E. Goodwin, Louisiana Harris, Eliza V. Harris, and other heirs, at law, of Robert W. Harris, deceased, in place of certificate No. 217, (second class) issued by the Board of Land Commissioners, for the county of Bastrop, to said Robert W. Harris, dated December 19th 1839.

H

int Resolution for the relief of the heirs of John Hibbins, approved February 2d 1844—directs the Commissioner General Land-office to amend, in a certain manner, the original title to a certain league of land, situated on the east bank of the Vaca, and to deliver a certified copy of the title, so amended, to the heirs of the said John Hibbins, deceased.

An Act to legitimate John S. Hodges, and declare him capable of inheriting, as a lawful heir of James Hodges, Senior," approved February 27th 1844—declares the said John S. Hodges a legitimate heir of the said James Hodges, Senior, and capable, in law, of inheriting the property of his said parent, in the same manner as if he had been born in lawful wedlock.

int Resolution for the relief of Mrs. Sarah N. Hubert," passed by constitutional majority, February 1st, 1844—requires the Auditor of Public Accounts "to audit the sum of five hundred and twenty dollars," the same being the amount due to Mrs. Sarah N. Hubert, for and on account of mail transportation; and directs the Treasurer to pay the same out of any money in the Treasury, not otherwise appropriated.

J

int Resolution for the relief of Mary Johnston," approved February 3d 1844—authorizes and requires the Commissioner of General Land-office to respect the claim of Mary Johnston, for the league and labor of land, and to issue patents for the same, and the government dues be paid thereon.

An Act for the relief of Stephen Jones and H. H. Hall," approved February 5th 1844—requires the Secretary of War and the Auditor to issue to the said Stephen Jones, for and in consideration of his services in the siege of San Antonio, in the year 1835, a certificate for 640 acres of land; also a warrant to the said H. H. Hall for 320 acres of land, for and in consideration of his services in the army of Texas, from July 4th 1836, until the 4th October following, as per discharge from Captain W. Scurlock..

L

"A Joint Resolution for the relief of League, Andrews & Co.," passed February 5th, 1844—releases the said League, Andrews & Co. from the payment of judgments, obtained against them, in favor of the Republic of Texas, for the sum of \$2822 78 (Texas promissory notes) together with the interest thereon, from the date of the rendition of said judgments, provided, the said League, Andrews & Co. relinquish to the Government their claim, for the schooner *Correo*, for the sum of \$3,500, par funds.

"Joint Resolution for the relief of Samuel Lemons, his heirs and assigns," approved February 2d 1844—requires the Commissioner of the General Land-office to respect the certificate of the said Samuel Lemons, number six, issued to him by the Board of Land Commissioners, for the county of Red River, for one league and labor of land, and that patents be issued for the same.

M

"An Act for the relief of Antonio Menchaca," approved February 3d 1844—authorizes the Auditor to audit the claims of Antonio Menchaca, for services rendered, as Captain in the army, under the commission of the President, from July 1st to September 11th 1842.

"An Act to permit the Administratrix of Neil Munn, deceased, to keep together the property of said deceased," approved January 8th 1844—invests, upon certain conditions, the said administratrix with the curatorship of the estate of the said Neil Munn, deceased.

N

"Joint Resolution making an appropriation for the pay of Samuel G. Novel, for services rendered the Republic of Texas as a soldier," approved February 5th 1844—requires the Auditor of Public Accounts to audit the account of the said Samuel G. Novel, for \$150., for five months' services as a soldier, under the command of Captain Hays, in the year 1842.

O

Joint Resolution for the relief of the heirs of Captain Robert Oliver, approved February 2nd 1844—directs that the Commissioner of the General Land-office respect the head-right certificate of Robert Oliver, for one-third of a league of land; and that a certificate be issued to the heirs of said Robert Oliver, deceased, or to the attorney, for the lands, lawfully located, under said certificate.

S

An Act for the relief of John Saunders, approved February 2nd 1844—requires the Commissioner of the General Land-office to issue to the said John Saunders, his heirs or assigns, a certificate for one league and labor of land.

An Act requiring the Auditor to audit the accounts of the Auditor of Erastus Smith, approved February 2nd 1844—requires the Auditor and Comptroller to audit the accounts of the heirs of Erastus Smith, for \$300., out of the amount due them; also for the year 1844; makes the requisite appropriation for the payment of the same; and repeals the joint resolution, entitled "Joint Resolution for the relief of the family of Erastus Smith," passed December 18th 1837.

An Act for the relief of George W. Smyth, as administrator of the estate of Joseph Grigsby, deceased, approved February 3d 1844—prescribes the manner in which said estate may be disposed of by the said administrator.

Joint Resolution for the relief of George W. Smyth, late Commissioner to run the boundary line between the United States and Texas, approved February 5th 1844—appropriates the sum of \$18 92, to be paid to the said George W. Smyth, for his services as Commissioner, in running the boundary line aforesaid.

An Act to legitimate certain children therein named, approved February 29th 1843—declares Charles James Spikes and Emeline Spikes, children of James Spikes and Lucy Taylor, legitimate, and declares them, in law, of inheriting their parents' property, in the same manner as if they had been born in lawful wedlock.

T

"An Act for the relief of James Truitt and And in relation to their head-right certificates," approved February 5th 1844—directs the Commissioner of the General Land Office to issue head-right certificates of the said James Truitt, and declares the same to be as valid, as if they had been recommended, for patents, by the Travelling Commissioners.

W

"Joint Resolution for the relief of Thomas Wm. Ward," approved February 5th 1844—requires the Auditor to audit the account of the said Thomas Wm. Ward, in amount of \$125., in favor of the said Thomas Wm. Ward, in accordance with a joint resolution, fixing the compensation of Heads of Departments and Bureaux, &c., approved January 1st, 1841.

Y

"Joint Resolution for the relief of the Administrator of D. Yocum's estate," approved February 5th 1844—requires the said administrator to remove, upon certain terms and conditions, the administration of the said estate from the county of Harris to the county of Harris.

L A W S

PASSED BY

THE NINTH CONGRESS

OF THE

REPUBLIC OF TEXAS

PUBLISHED BY AUTHORITY.

WASHINGTON.

1845



L A W S

OF THE

REPUBLIC OF TEXAS.

AN ACT

errring the unexpended balance of a certain appropriation therein named.

ion 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That thousand dollars of the unexpended balance of the appropriation for pay and mileage of members of the eighth Congress, be, and one is hereby transferred, for the contingent expenses of the Congress; and that the balance of said appropriation be, and one is hereby transferred, for the payment of the pay and e of the members, and the pay of the officers of the ninth of Congress.

2. Be it further enacted, That this act take effect from and passage.

proved, December 12th, 1844.

JOINT RESOLUTION

g an appropriation for a company of men, raised by H. L. Kinney.

ion 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That m of twenty-three hundred and forty nine dollars be ariated to pay the expenses and disbursements of a com-

pany of fifty-six men, authorized by the Secretary Marine, dated fifth of August eighteen hundred and be raised by H. L. Kinney, for the protection of C and that the sum be paid out of any money in the otherwise appropriated.

Sec. 2. Be it further resolved, That this Joint R effect from and after its passage.

Approved, December 14th, 1844.

AN ACT

Exempting Ministers of the Gospel from serving as J other purposes.

Section 1. Be it enacted by the Senate and H sentatives of the Republic of Texas in Congress ass hereafter all regularly ordained Ministers of the Gos tinue to exercise the duties of their calling, unless dis ness, or otherwise, be, and they are hereby exempt fr jurors, and working on the public roads.

Sec. 2. Be it further enacted, That this act tak and after its passage.

Approved, December 16th, 1844.

JOINT RESOLUTION

For the relief of Isaac Van Zandt, late Chargé d'Aff United States.

Section 1. Be it resolved by the Senate and Ho sentatives of the Republic of Texas in Congress ass the accounting officers of the Treasury be authorized to issue drafts to Isaac Van Zandt, for the balance Chargé d'Affaires to the United States; said drafts to ceivable in payment of direct taxes.

Sec.. 2. Be it further resolved, That this Joint R effect from and after its passage.

Approved, December 18th, 1844.

AN ACT

To locate the County Seat of the County of Austin.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the town of San Felipe, in the county of Austin, be, and the same hereby, made the county seat of the said county of Austin.

Sec. 2. Be it further enacted, That all legal proceedings of the District Courts of Justice, heretofore held in the town of San Felipe, and the same are hereby declared to be legalized, and the same shall be as legal and binding, as if the said town of San Felipe had been declared the county seat of said county by Congress. Approved, December 18th, 1844.

AN ACT

To perfectly defining the boundaries of the county of Jackson.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the external boundaries of the county of Jackson shall be as follows, to wit: commencing in the channel of the La Baca river, at the mouth of Smithers' Creek; thence, following the channel of said river to La Baca bay; thence, through the channel of said bay to Matagorda bay; thence, through the channel of said bay to Tres Palacios bay; thence, up the channel of Trespalacios, to the upper corner of the Scott survey; thence, North five degrees West, to the termination of a right line, extending from the termination of the line between the Jackson and Kincheloe leagues, on the Colorado river, to the mouth of Smithers' creek; thence, with said line to the place of beginning.

Sec. 2. Be it further enacted, That the county of Matagorda

da shall extend to the Eastern, and the county of Col
northern boundary of Jackson county.

Sec. 3. Be it further enacted, That this act shall n
validity of surveys, heretofore legally made.

Approved, December 24th, 1844.

JOINT RESOLUTION

Authorizing the Secretary of the Treasury to make a
ment of the accounts, pending between Gail Borden
collector of Galveston and the Government of the
Texas.

Section 1. Be it resolved by the Senate and House
sentatives of the Republic of Texas in Congress assem
the Secretary of the Treasury be, and hereby is au
make a final settlement of all accounts, pending betwe
ernment of this Republic and Gail Borden, Jr. late coll
veston, and to admit, in settlement all accounts, which
may have against the Government of this Republic, an
said Secretary may deem equitable and just, and an
which the Secretary, aforesaid, shall make in conform
provisions of this resolution, shall be valid and conclus

Approved, December 24th, 1844.

AN ACT

For the incorporation of the town of Marshall in the
Harrison.

Section 1. Be it enacted by the Senate and House
sentatives of the Republic of Texas in Congress assem

citizens of the town of Marshall be, and they are, hereby, declared a body corporate and politic, under the name and style of corporation of the town of Marshall—who shall have the power suing and being sued, pleading and being impleaded, and to have and dispose of real and personal property, provided, such real estate is situated within the limits of said corporation.

c. 2. Be it further enacted, That it shall be the duty of the citizens of the said corporation, to elect eight Aldermen and a Mayor, who shall be, ex officio, a Justice of the Peace. A Treasurer and Secretary shall be selected, by said Aldermen, from their own body; and a collector, shall be elected by the citizens of said corporation. The Treasurer and collector, shall be required, to give bond, with security to be approved of by the presiding officer, for the faithful performance of their duties, and to make reports as required by the Mayor or board of Aldermen; that the citizens of said corporation, shall elect a Constable; that the Mayor shall have power, when necessary, to suppress riots and disturbances, to call out the citizens of said corporation for the purpose of restoring order.

c. 3. Be it further enacted, That the first election shall be held under the direction of the Chief Justice of the county of Harrison, after having given ten days notice thereof, and annually afterwards, under the direction of the Mayor, at least ten days before the expiration of his term of office, and that in case of death or resignation of the Mayor, the vacancy or vacancies, shall be filled by new elections, to be ordered by the Mayor, and in case of the death or resignation of the Mayor, the board of Aldermen shall elect one of their own body, to act as Mayor, until the next annual election.

c. 4. Be it further enacted, That no person, shall be eligible to hold an office in said corporation, or to vote for the officers thereof, unless he shall have resided in, and be a free holder in the same, during the period of six months, immediately preceding such election, and have acquired the rights of citizenship in conformity with the laws of this Republic.

c. 5. Be it further enacted, That the Mayor and board of Aldermen of said corporation, shall have power to pass rules and ordinances as may be necessary for the regulation of the police, and the preservation of order within the

corporation limits; to levy taxes for the removal of n keeping the streets in good order; and shall have the t to prescribe penalties for the violation of such ordin laws; Provided, however, that in no case, shall such p one hundred dollars.

Sec. 6. Be it further enacted, That the limits of tion, shall extend one-half mile in a square, so laid o the public square in the centre of said corporation.

Sec. 7. Be it further enacted, That the Mayor, wi of said Aldermen shall constitute a quorum for the t business, they shall enact and enforce such rules and r they may deem necessary for the government of said provided, the same does not conflict with the constitu of the Republic.

Approved, December 31st, 1844.

AN ACT

To alter and establish the Eastern boundary line of and for other purposes.

Section 1. Be it enacted by the Senate and Hou sentatives of the Republic of Texas in Congress assa the Eastern boundary line of Rusk county, shall be r to wit: beginning at the South-east corner of said co established, running thence, due North to the Sabine up the Sabine, as heretofore established, be, and the sa declared to be the Eastern boundary line of Rusk co

Sec. 2. Be it further enacted, That the foregoing not be so construed, as to create any interference with of the present county site of Rusk county; and that effect from and after its passage.

Approved, December 31st, 1844.

AN ACT

and an act, entitled An Act, re reorganize the District Court of the fourth Judicial District, passed January 18th, 1844.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That after the passage of this act, the District Court of the county of Victoria, shall be holden in the county of Victoria, on the first Monday after the fourth Monday in March, and the second Monday after the fourth Monday in September, and may continue in session two weeks; in the county of Refugio, on the third Monday after the fourth Monday of March, and the fourth Monday after the fourth Monday of September, and may continue in session one week; in the county of Goliad, on the fourth Monday after the fourth Monday of March, and the fifth Monday after the fourth Monday in September, and may continue in session one week; in the county of San Patricio, on the fifth Monday after the fourth Monday of March, and the sixth Monday after the fourth Monday of September, and may continue in session one week.

Section 2. Be it further enacted, That all process, heretofore received and triable at the terms prescribed by law, shall be received at the terms of the Court fixed by this statute. Passed, December 31st, 1844.

AN ACT

to regulate the salaries of District Judges and District Attorneys.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That

the Judges of the District Courts, shall receive a salary of five hundred dollars per annum.

Sec. 2. Be it further enacted, That District Attorneys shall receive a salary of three hundred dollars per annum, and their salaries to be paid quarterly, as heretofore.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage.

Approved, December 31st, 1844.

AN ACT

Legitimizing and changing the name of Mary Jane Dillard.

Section 1. Be it enacted by the Senate and Representatives of the Republic of Texas in Congress assembled, That Mary Jane Dillard, daughter of Bluford Mitchell and Elizabeth Dillard, be, and she is hereby declared legitimate, and to bear the name of Mary Jane Mitchell, and capable of inheriting jointly, with his other heirs, the property of Bluford Mitchell, in the same manner as if she had been born legitimate.

Approved, December 31st, 1844.

JOINT RESOLUTION

Making an appropriation for the redemption of Vol. 1 of the Laws of the Republic of Texas.
Simpson.

Section 1. Be it resolved by the Senate and Representatives of the Republic of Texas in Congress assembled,

sum of three hundred dollars be, and the same is hereby appropriated and placed at the disposition of the President, for the redemption of William and Jane Simpson, (children of Mrs. Simpson,) now held in captivity by the hostile Indians.

Sec. 2. Be it further resolved, That this Joint Resolution take effect from and after its passage.

Approved, December 31st, 1844.

JOINT RESOLUTION

Granting one third of a league of land to Hugh S. Stapp.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office be, and he is hereby required to issue to Hugh S. Stapp, a certificate for one third of a league of land, which may be located upon any of the vacant territory of the Republic, upon the condition, that he, the said Stapp, shall deposit in the General Land Office, a certificate of head right for three hundred and twenty acres of land, issued to him by the Board of Land Commissioners of the county of Jackson, which certificate, the Commissioner of the General Land Office, is hereby required to cancel.

Approved, December 31st, 1844.

AN ACT

to legalize the official acts of L. H. Dillard, Chief Justice of the county of Harrison.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That

the official acts of L. H. Dillard, Chief Justice of Harrison, shall have the same force and effect, is in had been duly and unquestionably elected Chief Justice of county.

Approved, January 1st, 1845.

AN ACT

Making an appropriation for contingent printing of

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of seven hundred dollars be, and the same is appropriated for the payment of the contingent printing of

Sec. 2. Be it further enacted, That this act take effect after its passage.

Approved, January 3rd, 1845.

AN ACT

For the relief of Johnathan Bird.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury, be required to issue drafts upon the collector or collectors of direct taxes in Bowie county, in favor of Johnathan Bird, as one draft for the sum of one hundred dollars, payable

draft for the sum of one hundred and fifty dollars, payable in 6, one draft for the sum of two hundred dollars, payable in 7, one draft for the sum of one hundred and fifty dollars, payable in 1848.

Sec. 2. Be it further enacted, That it shall be the duty of the collector, or collectors of the direct taxes of Bowie county, to pay said drafts when due and presented as specified in the foregoing section, and that this act be in full force from and after its passage.

Approved, January 8th, 1845.

AN ACT

giving two additional Notaries Public for Montgomery county, and one for each of the counties of Sabine and Harrison.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there be two additional Notaries Public appointed for the county of Montgomery, one to reside at or near Cincinnati, and one at or near Fanthorp's Post Office: one for the county of Harrison, to reside in or near Pulaski, and one for the county of Sabine, to reside in or near Sabine Town.

Sec. 2. Be it further enacted, That it shall be the duty of Notaries Public, to have a seal of office, with the words Notary Public and the name of the county around the margin, with a star with points in the centre.

Sec. 3. Be it further enacted, That no notarial act shall be valid, unless the seal of office of such notary be appended.

Sec. 4. Be it further enacted, That when the office of Notary Public shall become vacant, from death, resignation, or otherwise, the President shall specify in the nomination and commission, the name of the person whose vacancy is to be

filled by such appointment, and the successor shall have all the records, books, papers and seal of his predecessor. He shall be required, to pay to the person authorized to receive the same, the reasonable value of such notarial seal.

Sec. 5. Be it further enacted, That Notaries Public shall be required to perform all such duties as Chief Justices of the Peace are required to perform, by virtue of their office as ex officio Notaries Public.

Approved, January 10th, 1845.

JOINT RESOLUTION

Authorizing Samuel J. Redgate to adopt a certain will
named.

Section 1. Be it resolved by the Senate and Representatives of the Republic of Texas in Congress assembled, That Samuel J. Redgate be, and he is hereby authorized to adopt the will of Margaret Jane Yorkings, as his lawful heir and adoptive son, and capable of inheriting alike with other forced heirs at law.

Sec. 2. Be it further resolved, That this Joint Resolution shall have effect from and after its passage.

Approved, January 10th, 1845.

AN ACT

For the relief of Martha B. Runnels and her heirs.

Section 1. Be it enacted by the Senate and Representatives of the Republic of Texas in Congress assembled, That

at the Commissioner of the General Land Office, be, and he is hereby authorized and required to issue a certificate for twelve hundred and eighty acres of land to Martha B. Runnels, E. S. Runnels, W. Runnels, H. R. Runnels and H. D. Runnels, heirs at law, of Hardin D. Runnels deceased, in lieu of certificate number 4, class number 2, issued by the Board of Land Commissioners, for the county of Jefferson, to said Hardin D. Runnels deceased, dated fourteenth April, eighteen hundred and thirty eight, which said certificate, when issued by the Commissioner of the General Land Office, shall be valid against this Government.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, January 10th, 1845.

JOINT RESOLUTION

For the relief of Neely Kimbro.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office, be, and is hereby authorized and required to issue to Neely Kimbro, a patent for one section of a league of land, upon the survey made by virtue of his head-right certificate, which was granted to him by the Board of Land Commissioners of San Augustine county, and erroneously reported to be recommended for a patent, by the Board of Traveling Commissioners, appointed to investigate head-right claims, in the county of the Brazos.

Sec. 2. Be it further resolved, That this Joint Resolution take effect, and be in force from and after its passage.

Approved, January 10th, 1845.

JOINT RESOLUTION

For the relief of J. A. Young.

Section 1. Be it resolved by the Senate and Representatives of the Republic of Texas in Congress assembled, That Captain John C. Hays be, and he is hereby authorized to pay to J. A. Young, the same amount paid for his command, from the organization of his company, last, to the time the same was disbanded, after the amount already paid, and that this Joint Resolution be from and after its passage.

Approved, January 10th, 1845.

AN ACT

To permit the Administratrix of Alexander Brown to keep together the property of said deceased.

Section 1. Be it enacted by the Senate and Representatives of the Republic of Texas in Congress assembled, That Mrs. Sarah Brown, the widow and administratrix of Alexander Brown, deceased, be, and she is hereby permitted to keep together the property and effects belonging to the estate of said deceased in the county of Fayette, until the same can be distributed by law, if, in the judgment of the Court of Probate of said county of Fayette, it will be to the interest of the heirs of said deceased, and the same shall be kept together by said administratrix; and she shall give additional bond and security, to account for said property, and the judge of said court may order and direct.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, January 10th, 1845.

JOINT RESOLUTION

For the relief of the heirs of Benjamin Parker, deceased.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office, be, and he is hereby authorized and required to issue a patent for one league and one quarter of land, agreeable to the certificate and field notes heretofore returned to the General Land Office, for the benefit of the heirs of Benjamin Parker, deceased, upon the same principles, as though the Travelling Board of Commissioners had recommended the same for patenting.

Sec. 2. Be it further resolved, That this Joint Resolution take effect from and after its passage.

Approved, January 10th, 1845.

AN ACT

To incorporate the town of Boston.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the town of Boston, the county seat of Bowie county, be, and the same is hereby incorporated with the same powers, privileges and restrictions as conferred and required by the act of incorporation of the town of Marshall, in Harrison county, approved thirty-first day of December, one thousand eight hundred and forty-four.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, January 18th 1845.

AN ACT

To change the name of Mary Nettle, and for oth

Section 1. Be it enacted by the Senate and Ho
sentatives of the Republic of Texas in Congress as
the name of Mary Nettle, of Montgomery county, be
changed to Mary Gillespy, and that she is hereby r
heir of John Gillespy and Mary Gillespy, and as su
inheriting the estates of said John and Mary Gillesp
or either of their deaths, as fully and completely,
named Mary were the offspring of said John and Ma

Sec. 2. Be it further enacted, That this act shall
from and after its passage.

Approved, January 18th, 1845.

AN ACT

To confer the rights of citizenship on Early C

Section 1. Be it enacted by the Senate and Ho
sentatives of the Republic of Texas in Congress as
Early Cordray be authorized to hold and enjoy all
citizenship, civil and political, under this governmen
the constitution belong to any other citizen of the
vided that he take the oath of allegiance to the Repu

Sec. 2. Be it further enacted, That this act take e
full force from and after its passage.

Approved, January 18th, 1845.

AN ACT

For the relief of John Morris.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office be required to respect certificate of John Morris, issued to him by the Board of Land Commissioners for the county of Shelby, for twelve hundred and twenty acres of land, number fifty-two, dated sixth September, one thousand eight hundred and thirty eight, and patent the same, as though it had have been recommended by the investigating Board of Land Commissioners.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.
Approved, January 18th, 1845.

AN ACT

To change the name of Henry Smith, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the name of Henry Smith, of San Augustine county, be changed to Henry West, and that he be, and is hereby, made the adopted son and legal heir of George West and Mary West, of the county afore-mentioned, and capable as such of inheriting the estates of each and both of them at their, or either of their deaths, as fully and completely, as if the said Henry were the offspring of said George and Mary West.

Sec. 2. Be it further enacted, That this act take effect and be in force from and after its passage.
Approved, January 18th, 1845.

AN ACT

To restore Lands sold for Taxes to the former

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Government of Texas does hereby, relinquish all the claims of the owners thereof, all the lands that were sold in the years one thousand eight hundred and forty four, or at any time previously, and which was purchased by the government by the several sheriffs in the several counties, for the former owner or owners, or their agents or attorneys, for the amount of taxes by him or them due to the government at the time of said several sales, and all other taxes that may have accrued upon said land or lands; provided, that the lands were purchased by any other person or persons, or remain in the possession, together with all costs which may have been incurred by the sheriff in advertising and selling the same, so sold, that any person or persons may desire to avail himself of this act, provided, said taxes be paid to the government before the first day of January, one thousand eight hundred and forty six.

Sec. 2. Be it further enacted, That it shall be the duty of the sheriffs of the several counties, to make returns to the Comptroller of the Treasury, of all money or monies collected for taxes heretofore sold, and purchased by the government, particularly the amount of money that he has received for each individual under the provisions of this act, and their receipts, as sufficient evidence to the owner, that the provisions of this act have been complied with.

Sec. 3. Be it further enacted, That this act take effect from and after its passage.

Approved, January 18th, 1845.

AN ACT

authorize the re-organization of the Counties of Refugio and San Patricio.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That much of a Joint Resolution relating to elections for the deputed Districts, approved June fifth, one thousand eight hundred and thirty-seven, as may be construed to relate to the counties of Refugio and San Patricio be, and the same is hereby repealed, and that from and after the passage of this act, all elections of Senators, Representatives and all civil and military officers, shall be holden within the limits of said counties and not elsewhere.

Sec. 2. Be it further enacted, That Peter Teal, a citizen of Refugio county, be, and he is hereby vested with full power and authority as Chief Justice of the said county of Refugio, with a view to its re-organization.

Sec. 3. Be it further enacted, That William Mann, a citizen of San Patricio county, be, and he is hereby vested with full power and authority as Chief Justice of the said county of San Patricio, with a view to its reorganization.

Sec. 4. Be it further enacted, That the re-organization of the counties aforesaid, contemplated by this act, shall be had within six months from and after its passage, and proper returns made of the elections of county officers held under and in pursuance of its provisions, to the Department of State, as recognized by law.

Sec. 5. Be it further enacted, That the town of Corpus Christi and the same is hereby declared the county seat of San Patricio county.

Sec. 6. Be it further enacted, That this act take effect from and after its passage.

Approved, January 18th, 1845.

A BILL

To be entitled An Act providing for the location of the Seat of Government by the people of Texas.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it shall be the duty of the President, to order an election to be held in the several counties of this Republic, on the second Monday of March, A. D. 1847, at which election, the several qualified voters for members of Congress, shall, on their tickets, designate by name such place as they may deem most eligible for the location of the seat of Government of the Republic of Texas.

Sec. 2. Be it further enacted, That the elections shall be held by the Chief Justices of counties, in the same manner as elections are held for members of Congress.

Sec. 3. Be it further enacted, That it shall be the duty of the Chief Justices of the respective counties, after the expiration of ten days from the holding of such election, to transmit the original returns of such election, by mail, or some safe private conveyance, to the Secretary of State of the Republic of Texas, where said returns, shall be sealed up with the seal of the county Clerk, and the name of the Chief Justice written across the same.

Sec. 4. Be it further enacted, That it shall be the duty of the President of the Republic, to publish in three newspapers, printed in the Republic, the result of the votes cast in each county of the Republic, specifying the number of votes cast for each place, where publication shall be made in the said Gazettes that may issue in the last week of May, 1847, and no returns of such election, shall be received for publication, after the twenty-fifth day of May, 1847.

Sec. 5. Be it further enacted, That it shall be the duty of the President, to order an election to take place, on the first Monday of September, A. D. 1847, at the same time and place as the election for members of Congress, and conducted in the same manner, in which the qualified voters for members of Congress, shall declare, which of the two places that received the highest number of votes, in the preceding election of March

may prefer as the seat of Government of the Republic. The President, shall expressly designate in the writ of election, and the Chief Justices of counties, the two places, which, at the previous election, received the highest number of votes, and upon which the people are to vote at the said September election.

Sec. 6. Be it further enacted, That the original returns of said election, shall be sent by one of the members of Congress elect, from the respective counties, directed to the Secretary of State, under the seal of the county Court, with the name of the Chief Justice of the county, written across the seal, and the place thus selected by the people, shall be, and remain the seat of Government of this Republic for the next ten years after such election.

Sec. 7. Be it further enacted, That the returns of such election, shall be transmitted by the Secretary of State, to the Speaker of the House of Representatives, and the result published in presence of both Houses of the twelfth Congress.

Sec. 8. Be it further enacted, That as soon as practicable, after adjournment of the twelfth Congress, it shall be the duty of the President and Heads of Departments to remove to said place, selected as the seat of Government, and to procure and convey to said place, all the archives of the Government, wherever the same may be found, and at which place the thirteenth Congress of the Republic will convene.

Sec. 9. Be it further enacted, That the sum of five thousand dollars be, and is hereby appropriated and placed under the control of the President, for the purpose of removing the archives to the city of Austin, for defraying the contingent expenses of the several Departments, and in making preparations for the meeting of the tenth Congress, at that place, provided, there shall not interfere such emergencies, as are contemplated by the Constitution for the exercise of his discretion.

Sec. 10. Be it further enacted, That the sum of two thousand dollars be, and the same is hereby appropriated to carry into effect the provisions of this act, and the same shall take effect from and after its passage.

Approved, January 20th, 1845.

JOINT RESOLUTION

For the relief of the heirs of John Williams, deceased.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office be, hereby authorized and required to issue a patent to the heirs of John Williams, deceased, for one league and labor of land, upon certificate 124,] one hundred and twenty-four, issued by the Board of Commissioners for the county of Matagorda, on the 18th January 1838, and that this act take effect from and after its passage.
Approved, January 20th, 1845.

JOINT RESOLUTION

For the relief of Mary Lawson Williams.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Mary Lawson Williams, be, and she is hereby entitled to receive a patent from the Commissioner of the General Land Office, to one league and labor of land, the same being the head-right certificate of Lydia White, alias Widow Glasgow, granted and conceded by Empresario, S. F. Austin, given in the town of Austin, on the first day of June, one thousand eight hundred and thirty-one, and that the said Mary Lawson Williams, have, and obtain said patent upon payment of all dues to this Government, as though the Travelling Board of Land Commissioners had have recommended the same for patent.

Sec. 2. Be it further resolved, That this Joint Resolution take effect and be in force from and after its passage.

Approved, January 22d, 1845.

AN ACT

For the relief of the depopulated Counties.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the citizens of Refugio, San Patricio and Goliad, be, and they are hereby exonerated from the payment of all direct taxes that may be levied on the Republic up to the date of the passage of this bill, provided, the head of a family shall not be exempt from the payment of taxes on more than one league and labor, and a single person on more than one third of a league.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, January, 22d, 1845.

AN ACT

For the relief of the heirs of Joseph English, deceased.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office be, and is hereby required to issue to the heirs of Joseph English, a certificate for one league and labor of land, the said Joseph English having emigrated to this Republic with his family, in the month of December, one thousand eight hundred and thirty-five, which said certificate shall be as valid as if it had been issued by any Board of Commissioners and recommended for patent.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, January 22d, 1845.

JOINT RESOLUTION

For the relief of John Sutherland.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That John Sutherland be, and he is hereby authorized to receive from the hands of the Commissioner of the General Land Office, a lot of land for one league and one labor of land, as though the same had been recommended for patent by the travelling Board of Land Commissioners, on the payment of Government dues thereon; and that this Joint Resolution take effect from and after its passage.

Approved, January 22d, 1845.

 AN ACT

To continue in force "An Act for the relief of the purchasers of lots in the city of Austin, and upon the town tract adjoining," approved, January 16th, 1843.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the provisions of an act entitled "An Act for the relief of the purchasers of lots in the city of Austin, and out lots upon the town tract adjoining," approved January seventeenth, A. D. eighteen hundred and forty-two, the provisions of which act were continued in force by an act approved, January the twenty-seventh, eighteen hundred and forty-four, be, and the same are hereby continued in force for twelve months after this act shall go into force.

Sec. 2. Be it further enacted. That this act shall take effect from and after its final passage.

Approved, January 22d, 1845.

AN ACT

relating to settlers on vacant public domain pre-emption privileges.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That individuals who have settled upon, and improved, or who may hereafter settle upon and improve a portion of the vacant public domain, which has been neither filed upon, entered, located nor surveyed by virtue of some genuine, legal and valid certificate, or other evidence of title to land previous to such settlement and improvement, shall have the privilege of locating and surveying a portion of land, not exceeding three hundred and twenty acres, so as to include said settlement and improvement, in preference to all other claims or claimants, and all files, entries, locations or surveys made so as to interfere with the preference granted by this act, shall be null and void.

Section 2. Be it further enacted, That it shall be the duty of all persons contemplated by this act, who intend to avail themselves of the benefits of its provisions to have the lands including their improvements covered with a valid certificate, within three years from the passage of this act, or within three years from the commencement of their settlement; and the laws now in force in regard to the surveying and procuring of lands shall be observed, and the same do not conflict with the provisions of this act.

Section 3. Be it further enacted, That any genuine head-right certificate, land scrip, bounty warrant, or other genuine evidence of title to land issued by the authority of this government, may be applied to such improvements, and the Commissioner of the General Land Office is hereby authorized and required to issue land certificates to any settler requiring the same, on his paying at the rate of two dollars per acre in the old promissory notes, bonds, and debt, or other liquidated demands against the Republic of Texas, in accordance with the provisions of an act, approved, February fifth, eighteen hundred and forty-one, fifty cents in par funds per acre, provided, that to actual

settlers as contemplated by this act, certificates or land scrip, to amount of eighty acres, may be issued, but not for a less amount.

Sec. 4. Be it further enacted, That all sales made of improvements contemplated by this act, previous to survey or patent except to those who may actually settle upon and occupy said improvements, shall be null and void; and the purchasers of such improvements shall be subject to the same conditions, restrictions and limitations, as if the original settler had remained in possession.

Sec. 5. Be it further enacted, That nothing herein contained shall be so construed as to prevent the locations of certificates for such improvements containing more than three hundred and twenty acres; provided, that the preference shall be only construed to apply to the amount of three hundred and twenty acres. Any surveyor disregarding or violating the provisions of this act shall, on conviction thereof before the District Court, be fined and imprisoned, at the discretion of the Court, and dismissed from office.

Sec. 6. Be it further enacted, That it shall be the duty of the county surveyors of each and every county in this Republic to keep a record book to be devoted exclusively to pre-emption claims; and settlers within eight months from the passage of this act, or within eight months from the commencement of such settlement hereafter made, shall cause to be surveyed the amount of land for which they intend to claim pre-emption; and on application being made by such settler, to a surveyor to have his said land surveyed to include his improvements, he shall not be compelled to furnish the surveyor with any land certificate, but he shall take an oath, which may be administered to him by said surveyor, that he believes he is settled upon vacant land, as contemplated in the first section of this act; upon which the survey, not exceeding three hundred and twenty acres, may be made, and the field notes shall be returned with the aforesaid affidavit of the settler, to the county surveyor of the county in which the land lies, who shall have the same recorded in said pre-emption book, for which services the said surveyor and county surveyor may charge the fees now allowed by law for such services and no more; provided, that when

er certificate may be subsequently obtained by the settler, the
e may be applied to such survey without running or marking
ines anew.

c. 7. Be it further enacted, That should any settler die previ-
to procuring a patent for the land, including the settlement
improvement, as provided by this act, the widow, (if there be
and the heirs, or the heirs alone, (if there be no widow,) shall
ntitled to the same preference as the deceased would have been,
rding to the provisions of this act.

c. 8. Be it further enacted, That this act shall take effect and
a force from and after its passage.
pproved, January 22d, 1845.

AN ACT

ing an appropriation for the payment of the outstanding
abilities of the contingent expenses of the eighth Congress.

ection 1. Be it enacted by the Senate and House of Repre-
atives of the Republic of Texas in Congress assembled, That
sum of one hundred and three dollars, for balance due Torrey
Brothers, on stationary, and twenty four dollars for Thomas
l, for extra pay as Sergeant-at-arms pro tem, from the fourth
ecember, one thousand eight hundred and forty-three, to the
fth of the same month, be, and the same is hereby appropri-
for the payment of the outstanding liabilities of the con-
ent expenses of the eighth Congress.

c. 2. Be it further enacted, That this act take effect from and
its passage.

pproved, January 23d, 1845.

JOINT RESOLUTION

For the relief of James W. Wauhop.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office, be, and is required to issue a patent to James W. Wauhop, upon the surveys made by virtue of his head-right certificate for one thousand two hundred and eighty acres (1,280) of land, as surveyed by the Board of Land Commissioners of Red River county, and subsequently rejected by the Commissioners appointed under an Act entitled "An Act to detect fraudulent land certificates," and provide for issuing patents to legal claimants, passed on the 1st day of January, one thousand eight hundred and forty," Provided, That the survey of said Wauhop, does not conflict with the survey of any other persons, made previously, or subsequently, to the survey of said James W. Wauhop's certificate, by the investigating Land Commissioners.

Sec. 2. Be it further enacted, That should the survey of said James W. Wauhop, conflict with the survey of any other persons, as provided in the proviso to section first, then, and in that event, James W. Wauhop, may survey the amount of land claimed by this act, out of any vacant and unappropriated domain of the public, upon which said survey, the Commissioner of the General Land Office shall issue a patent.

Sec. 3. Be it further resolved, That this Resolution shall be in force from and after its passage.

Approved, January 25th, 1845.

JOINT RESOLUTION

Requiring the payment of the drafts of Josiah G. Beaty.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury, be, and he is hereby required to issue two drafts in favor of William S. Beaty, representative of Josiah Beaty and others, in lieu of the one which he now has, authorized by a Joint Resolution, passed the twenty-eighth day of January, one thousand eight hundred and forty-two, for the relief of Josiah Beaty and others, which said drafts, shall be drawn on the collector of direct taxes of Fannin county, and made payable, the one out of the direct taxes collected in said county, for the year one thousand eight hundred and forty-four, and the other out of that collected for the year one thousand eight hundred and forty-five.

Sec. 2. Be it further resolved, That this Joint Resolution take effect from and after its passage.

Approved, January 27th, 1845.

JOINT RESOLUTION

For the relief of A. B. Shelby, Thomas Johnson and others.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be, and he is hereby required to audit the account of Anthony B. Shelby, for the sum of two thousand two hundred and fifty-five dollars and eighty seven cents; the account of Thomas Johnson, for nine hundred and ninety seven dollars, and the account of the legal representatives, or administratrix of John M. Hansford, for one thousand nine hundred fifty-three dollars and seven cents, in full for the

pay due to the said Shelby and Johnson, as Judges of the said District; and in full for the pay to the said legal counsel for the services of said John M. Hansford, as Judge of the said Judicial District, and that the Auditor, issue his warrants for the sums, as the said claimants may require, not exceeding the amount of said appropriation, and that the same be paid for direct taxes due this Republic.

Sec. 2. Be it further resolved, That this Resolution take effect from and after its passage.

Approved, January 27th, 1845.

JOINT RESOLUTION

For the relief of Henry Castro and T. Taussaud.

Section 1. Be it resolved by the Senate and Representatives of the Republic of Texas in Congress assembled, That for the further time of two years, be allowed to Henry Castro and T. Taussaud, to comply with the conditions of their contract of emigration with this Government, entered into, upon the 1st day of February, A. D. one thousand eight hundred and forty-five. Provided, that each emigrant arriving in this Republic, under the contract of said Castro and Taussaud, shall, before entering the lands, take the oath of citizenship.

Sec. 2. Be it further resolved, That all process, and take effect from and after its passage.

Approved, January 27th, 1845.

JOINT RESOLUTION

regarding the sessions of the District Court in Washington County.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the District Court shall commence and hold its sessions hereafter, in the county of Washington, on the first Monday succeeding its session in the county of Milam, and may continue in session until business is disposed of.

Sec. 2. Be it further resolved, That all process, heretofore returnable and triable at the terms prescribed by law, shall be returnable and triable at the terms and sessions fixed by this Joint Resolution, and that the same take effect from and after its passage. Approved, January 27th, 1845.

AN ACT

To establish and incorporate the Galveston Lyceum.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Milton Stuart, Charles L. Cleaveland, James G. Rhodes, B. Shelby, Elbridge Walbridge and William H. Rhodes, of the county of Galveston, their associates and successors, be and they are hereby constituted a body politic and corporate, for the encouragement of literary and scientific pursuits, by the name of the Galveston Lyceum, and by that name, may acquire, hold and enjoy lands, tenements, and hereditaments, personal property, and sums of money of any amount, not exceeding twenty-five thousand dollars, and by the aforenamed name, may sue and be sued, defend and be defended, in any Courts of law and equity within this Republic, and

may enact such rules and regulations, as may be p
ducting the affairs of said institution.

Sec. 2. Be it further enacted, That this act o
shall be in force, for and during the term of ten y
such modifications, extensions, restrictions and lim
legislature may, from time to time provide, at th
which time, the same may be renewed.

Sec. 3. Be it further enacted, That the books o
shall be free from direct taxation, but the balance
shall be regularly given in for taxation, by the P
Lyceum, under oath, and a failure to give in said di
called upon by the Assessor or Collector, shall w
of this charter.

Sec. 4. Be it further enacted, That this act s
from and after its passage.

Approved, January 27th, 1845.

JOINT RESOLUTION

For the relief of H. P. Bee, Nathaniel Amory and

Section 1. Be it resolved by the Senate and R
sentatives of the Republic of Texas in Congress a
the accounting officers of the Treasury, be authoriz
to issue drafts, in favor of H. P. Bee, for the sum
and thirty four dollars, as a balance due to him fo
clerk to the Commissioners appointed by the Gover
to run the boundary line between Texas and the
which drafts, shall be receivable for direct taxes,
the first of January, one thousand eight hundred an

Sec. 2. Be it further resolved, That the S
Treasury be, and he is hereby, required to
Nathaniel Amory, to the amount of twenty-four
eighty dollars, in not less sums than fifty dolla

shall be receivable for direct taxes, it being in full for the balance of his services, as Secretary of Legation to the U. States; and, also, to General Memucan Hunt, a draft for the sum of two hundred and twenty-eight dollars and sixty one cents, a balance due him for services as Commissioner to run the boundary line between Texas and the United States, which said sum, was audited in his favor, on the tenth of February, one thousand eight hundred and forty-two, and which, is hereby, cancelled, and that the said drafts be received for direct taxes.

Sec. 3. Be it further resolved, That this Joint Resolution take effect from and after its passage.

Approved, January 27th, 1845.

AN ACT

To form the collectoral District of Soda Lake.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all of that portion of Red River and Bowie counties, lying South of Sulphur Fork, together with the counties of Harrison and Rusk, and all that portion of Nacogdoches lying West and North of the county of Rusk, be, and the same are hereby formed into a district, for the collection of Customs, to be called the "District of Soda Lake," for which Port Caddo shall be the port of entry.

Sec. 2. Be it further enacted, That His Excellency, the President, be, and he is hereby required to appoint a Collector of Customs, for the District of Soda Lake, and to direct the Secretary of the Treasury to issue to such Collector, the instructions that may be requisite for the organization of said District, and for carrying into effect the revenue laws of this Republic, therein.

Sec. 3. Be it further enacted, That the compensation of the Collector and of the deputy Collectors, of the District

aforesaid, shall be the same as in the other Collect the Eastern frontier of this Republic.

Sec. 4. Be it further enacted, That this act shall soon as the Collector of said District is qualified, that this act shall take effect from and after its passage, same relates to the appointment of the Collector, for," and that all laws and parts of laws conflicting with the provisions of this act, be, and are hereby repealed.

Approved, January 29th, 1845.

AN ACT

Supplementary to "An Act to change in part the the District Courts, in the fifth and seventh J approved January 27th, 1844.

Section 1. Be it enacted by the Senate and Representatives of the Republic of Texas in Congress from and after the passage of this act, the District county of Houston, shall be allowed to continue the business of said Court be dispensed with.

Approved, January 29th, 1845.

AN ACT

Supplementary to the several acts, regulating

Be it enacted by the Senate and Representatives of the Republic of Texas in Congress there shall be levied and collected an impost d

er head on all neat cattle, horses and mules brought into this
ublic from the United States of America; provided, this act shall
extend to the neat cattle, horses and mules brought in, by
ns actually emigrating to this Republic, nor to the horses
mules rode by travellers, nor to the horses and mules brought
y actual resident citizens as their own property.
proved, January 29th, 1845.

AN ACT

For the relief of William Moffitt and others.

ction 1. Be it enacted by the Senate and House of Repre-
tives of the Republic of Texas in Congress assembled, That
Commissioner of the General Land Office be required to
a patent to William Moffitt for one league and labor of land,
certificate number one hundred and ninety, issued by the
d of Land Commissioners, of Montgomery county, and dated,
a February, eighteen hundred and thirty-eight; also to patent
icate number ——— issued by the Board of Commissioners,
helby county, to Maria Arocha, for one league and labor of
in the same manner, as though the same had been recom-
ded by the Board of Commissioners to investigate fraudulent
claims,
c. 2. Be it further enacted, That the Commissioner of the
ral Land Office, be, and he is hereby authorized and required,
spect the head-right certificate, for a league and labor of land,
d by the Board of Land Commissioners of Sabine county, to
on Odum of said county, and issue a patent on the same, one
e of which said certificate, was rejected by the Board of in-
gating Commissioners; and this act shall take effect from and
its passage.
proved, January 29th, 1845.

AN ACT

For the relief of Samuel Brooks.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Chief Justice and Associates of the county of San Augustine and they are hereby required, to issue to Samuel Brooks, a certificate for one league of land, which may be located upon any vacant and unappropriated lands, of the Republic, and that the Commissioner of the General Land Office, is hereby required, to prepare the same, as other genuine and legal certificates, and that this act shall take effect from and after its passage.

Approved, January 29th, 1845.

AN ACT

For the relief of John Hamilton.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office, is hereby authorized, to issue a patent thereon, as though it had been recommended by the travelling Board of Commissioners; and this act shall take effect from and after its passage.

Approved, January 29th, 1845.

AN ACT

to defray the expenses of the contingent Printing of the ninth Congress.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a sum of six hundred dollars, be, and the same is hereby appropriated, for defraying the expenses, of the contingent printing of the ninth Congress.

Sec. 2. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, January 29th, 1845.

AN ACT

For the relief of John Gregg.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a sum of three hundred and ninety-three dollars and forty-three cents, be, and the same is hereby appropriated, for the payment of a note executed by John Gregg, for the redemption of his son John Gregg, who was captured by the hostile Indians, on the seventh day of January A. D. eighteen hundred and forty-one, and subsequently purchased of the Indians, at the request of John Gregg, of his trading house in the Choctaw Nation, and the Secretary of the Treasury is hereby authorized and required to issue a draft to the said John Gregg for the above amount, receivable for direct taxes.

Approved, January 29th, 1845.

AN ACT

For the relief of John Trussel.

Section 1. Be it enacted by the Senate and representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office, be and he is authorized and required to issue to John Trussel one league and one labor of land, in lieu of land of the nineteenth, issued by the Board of Land Commissioners of this county, for that quantity, on the nineteenth of the month of January, 1845, and rejected by the Board of Land Commissioners.

Sec. 2. Be it further enacted, That the certificate of title by this act, shall be subject in its location, to the same government dues, and otherwise in all respects as if it were by the same laws, as that for which it is given. This act take effect from and after its passage.

Approved, January 29th, 1845.

AN ACT

For the relief of Lucy Davis.

Section 1. Be it enacted by the Senate and representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury be required, to issue drafts for the amount of two hundred and fifty-three dollars and no cents, and the sum to be equally divided in said drafts, upon the Collectors, of the direct taxes, for the county of Tarrant, in favor of Lucy Davis, and that this act be in force from and after its passage.

Approved, January 29th, 1845.

AN ACT

For the relief of Isabella T. Scott.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office, be, and he is hereby authorized and required, to issue to Isabella T. Scott, a patent for one league and one labor of land, according to the certificate issued to her father, D. B. McConnell, and rejected by the travelling Board of Land Commissioners, the same as though the said certificate had not been rejected by said travelling board.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, January 29th, 1845.

JOINT RESOLUTION

For the relief of Adolphus Sterne.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the accounting officers of the Treasury, be, and they are hereby authorized and required, to issue to Adolphus Sterne the amount of nine hundred and fifty dollars, in drafts of fifty dollars each, the same to be receivable for any direct taxes due and payable, in the county of Nacogdoches, previous to the first day of January one thousand eight hundred and forty-five.

Sec. 2. Be it further resolved, That this Joint Resolution take effect from and after its passage.

Approved, January 29th, 1845.

AN ACT

To alter in part, the times of holding the District Courts, in the seventh Judicial District.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the District Courts for the county of Fannin, shall commence on the second Monday before the first Mondays of March and September, and may continue in session two weeks; in the county of Lamar on the first Mondays in March and September, and may continue in session two weeks; in the county of Red River as heretofore provided for by law; in the county of Bowie the Courts shall begin as heretofore, and may continue in session two weeks in the county of Harrison, as heretofore provided by law.

Sec. 2. Be it further enacted, That all writs, petitions and process or proceedings returnable at any other time, or to any term, than such as is fixed by this law, shall be returnable and triable at the times fixed by this act.

Sec. 3. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act, be, and they are hereby repealed, and that this act be in force from and after its passage.

Approved, January 29th, 1845.

AN ACT

Explanatory to the thirty-sixth section of the General Land Law, passed fourteenth December, eighteen hundred and thirty-seven.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the prices of land, as mentioned in the thirty-sixth section

General Land Law, passed fourteenth December, eighteen hundred and thirty-seven, be as follows, all those who may have emigrated prior to the second of May, eighteen hundred and thirty-, shall pay for every labor of irrigable land, the sum of three dollars and fifty cents, for every labor of arable land, two dollars and fifty cents; for every labor of pasture land, one dollar and fifty cents; and all those who emigrated subsequently to the second of May, eighteen hundred and thirty-five, and prior to the Declaration of Independence, shall pay for every labor of irrigable land, seven dollars; for every labor of arable land five dollars, and for every labor of pasture land, two dollars and forty cents.

Sec. 2. Be it further enacted, That in all cases where other higher rates of land dues, than those prescribed in this act, have been exacted and paid by any person, the sum so paid over and above the rates fixed by this act, may be applied by the person paying the same, in payment of land dues on other lands.

Sec. 3. Be it further enacted, That this act take effect from and after its passage.

Approved, January 29th, 1845.

AN ACT

For the relief of the heirs of James Garrard, deceased.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office, be, and he is hereby required, to issue to George C. Gwathmey and Sophia Gwathmey, wife, Frederick B. Ernest and Ellen his wife; the said Sophia and Ellen being the sisters and nearest surviving relatives, and Cuthbert Brillett Garrard, the only nephew of James Garrard, deceased, a certificate for one third of a section of land, the head-right of said deceased, and the Secretary of War and Navy, be, and he is hereby required, to issue to

the heirs aforesaid, a bounty warrant for twelve hundred eighty acres, and two donation warrants, for six hundred forty acres each, of land, to be held by the heirs aforesaid, in portions, it being the quantum of land, to which the heirs of James Garrard are entitled for the services rendered in the Republic of Texas in the year one thousand eight hundred and thirty-one, he having fallen in the Alamo.

Sec. 2. Be it further enacted, That this act take effect as in force from and after its passage.

Approved, January 29th, 1845.

JOINT RESOLUTION

For the relief of William Bugg.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, that the Secretary of the Treasury be required, to pay the amount due to William Bugg, as private, of Captain John C. Hays' company, for the term of his enrollment in said company.

Approved, January 29th, 1845.

AN ACT

To repeal an act, entitled "An Act to authorize the holding of the District Court in two places, in Red River County, and for other purposes."

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, that the above mentioned act, approved, February first, one thousand eight hundred and forty-four, be hereby repealed.

ec. 2. Be it further enacted, That the Clerks of the District Courts and Probate Courts of Red River county, be required to transmit to the corresponding officers of Bowie county, all the papers and business of every description, which may have originated in that portion of the Southern division of Red River county, which by this act, is again included within the limits of the said county of Bowie.

ec. 3. Be it further enacted, That all writs, processes and other proceedings, heretofore had in and from the aforesaid portion of the Southern division of Red River county, and made returnable to the District Court at Daingerfield be, and they are hereby made returnable to the District Court at Boston, the county seat of the county of Bowie.

ec. 4. Be it further enacted, That all acts, authorizing the holding of Courts, at more than one place in any county, be, and the same are hereby repealed.

ec. 5. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed; and that this act take effect from and after its passage.

Approved, January 29th, 1845.

JOINT RESOLUTION

For the relief of Henry F. Fisher and B. Miller.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the reservation of each alternate section of land for the benefit of the Government; as stipulated between the Government of the Republic of Texas and Henry F. Fisher and B. Miller, for the introduction of six thousand emigrants, on the waters of the San Saba and Llano, dated, Washington, September 18, 1836, one thousand eight hundred and forty-three, be, and the same is hereby, so changed, as, that the said contractors, be, and they are hereby permitted to settle any of the alternate

sections, they may need for their defence against the Indians, Provided, that they do not exceed one twelfth part of the alternate sections, and provided further, for each alternate section, thus settled; they shall set apart and survey, within the limits of the grant of said contractors, at their own expense, an equal number of sections for the use of the Government.

Sec. 2. Be it further resolved, That the provisions in the said contract, mentioned in the preceding section, requiring the said Fisher and Miller, to bring into this country, and settle on their grant, one third of the number of emigrants contracted for, within a certain limited time, be, and the same is hereby, so changed and amended, as to give, until the first of March, one thousand eight hundred and forty-six, to introduce the one third of the number of emigrants, and, if the said Fisher and Miller should fail to introduce the whole number of emigrants contracted for, by them, (on the first day of March, one thousand eight hundred and forty-six, agreeable to the provisions of this act,) they shall be entitled to receive compensation, pro rata, for the number actually introduced, provided, nothing herein contained, shall be so construed, as to relieve the said contractors from introducing the number required by the first of March, one thousand eight hundred and forty-five, as provided in the first part of said condition.

Sec. 3. Be it further resolved, That such clauses as are contained in said contract, as require the emigrants introduced in virtue thereof, to cultivate a particular number of acres of land, and to build cabins thereon, be, and the same is hereby repealed, and that they receive from this Government, an unconditional title for their respective lands, when, they shall have resided and cultivated a portion of land, within the limits of the territory designated, and set apart, in said contract, for the term of three successive years, after the manner prescribed in the first section of this act.

Sec. 4. Be it further resolved, That this act shall be considered, as supplemental to, and explanatory of said contract, mentioned in the first section of this act, and that all parts of laws contravening the provisions of this act be, and the same are hereby repealed, and that this Joint Resolution take effect from and after its passage.

Approved, January 29th, 1845.

AN ACT

amend an act, entitled "An Act to incorporate the Brazos Canal Company."

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the fourteenth section of the said act be, and is hereby repealed, and that the following provision is hereby substituted for same, to-wit: That the Congress of this Republic shall, in five years after the completion of the said Canal, so far, regulate the assessment of the tolls, as, to appoint a Commissioner on the part of the Republic, who, with a Commissioner to be appointed by the President of the United States, or by a majority of the stock holders, in meeting assembled) their successors, or assigns, which said Commissioners shall fix the rate of toll on the passage of boats through the said Canal, and, in case such Commissioners shall disagree, that they shall have the power to appoint an umpire, whose decision shall be final and absolute.

Approved, January 29th, 1845.

JOINT RESOLUTION

For the relief of Alexander Stevenson.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That on and after the passage of this Joint Resolution, the Collector of Customs of the Port of Aransas, be, and is hereby authorized to credit the account of Alexander Stevenson, to the amount of one hundred and thirty-three dollars and sixty-two cents, for duties on goods imported by him into the Republic.

Approved, January 30th, 1845.

JOINT RESOLUTION

For the relief of J. C. Neill.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That this Government settle upon Colonel J. C. Neill, a pension of two hundred dollars per annum, to continue during his life, to be paid semi-annually, one hundred of which shall be paid on the tenth day of February, one thousand eight hundred and forty-five, and the first day of July next, and that these shall be the periods at which in future said pension shall be paid.

Sec. 2. Be it further resolved, That the Secretary of the Treasury be required and instructed, without further authority, to comply with the requisitions of this law, which has full force and bearing from and after its passage.

Approved, January 30th, 1845.

JOINT RESOLUTION.

For the relief of Sam. Ricker, Jr.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the accounting officers of the Treasury, be, and they are hereby authorized and required to audit and allow the claims of Sam. Ricker Jr., for monies advanced for unpaid letters, to the amount of three hundred and ninety-nine dollars and fifty-two cents, and that the same be receivable for direct taxes, due previous to the first day of January, one thousand eight hundred and forty-five.

Sec. 2. Be it further resolved, That they shall issue drafts for the above amount, in such sums not less than fifty dollars as may be required by the said Sam. Ricker Jr.; and that this Joint Resolution take effect from and after its passage.

Approved, January 30th, 1845.

JOINT RESOLUTION

Requiring the Government to relinquish its title to two lots in the town of Quintana.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the right, title and interest now vested in the Government of Texas, in and to lots numbers five and eight, in block number six-n, in the town of Quintana, at the mouth of the Brazos River, with the appurtenances thereon affixed, be, and the same is hereby relinquished to Emily M. Perry, and that she be vested with the same title she had previous to its transfer to the Government of Texas.

Approved, January 20th, 1845.

AN ACT

For the relief of the heirs of Thomas R. Townsend, deceased.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office, be, and he is hereby required to issue patents to Thomas R. Townsend, assignee of Francis Bitticks, for one league and labor of land, also, to Thomas Townsend, assignee of William Cheers, for one third of a league and, also, to Thomas R. Townsend, assignee of John F. Cheers, for one third of a league of land, upon the same principles as though said certificates had been recommended as genuine and valid by the travelling Board of Commissioners.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

Approved, January 30th, 1845.

AN ACT

Establishing a certain Mail Route, and attaching the same to a certain other route.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a mail route is hereby established from Galveston to Point Bolivar, and attached to the route leading from Point Bolivar to Patisillo.

Approved January 30th, 1845.

AN ACT

For the relief of Jerome B. Robertson.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the land certificate heretofore issued by the Board of Land Commissioners for the county of Washington, to Jerome B. Robertson, for one league and one labor of land, be, and the same is hereby declared a genuine and legal claim against the Government of Texas, and the Commissioner of the General Land Office, is hereby authorized and required, to issue a patent or patents upon the said certificate, as in other cases, and as though the same had been recommended for patent by the Board of Commissioners, appointed under the act, entitled "An Act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants."

Sec. 2. Be it further enacted, That this act be in force from and after its passage.

Approved, January 30th, 1845.

AN ACT

provide for the carrying of the Public Mails from April first, one thousand eight hundred and forty-five, to April first, one thousand eight hundred and forty-six, and establishing routes and rates of Postage, &c.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, that the Secretary of State is hereby authorized and required to make the transportation of the Public Mails on the following routes, weekly, from April first, one thousand eight hundred and forty-five, to April first, one thousand eight hundred and forty-six, a period of twelve months, to wit: San Antonio to La Grange, via Seguin, Gonzales and Hallett's; La Grange to Fantharp's, via Wintersville, Shelby's, Sieper's, Buster's, Brenham, Independence and Washington; Fantharp's to Crockett, via McGuffin's, Huntsville and Cincinnati; Fantharp's to Huntsville, via Rusk, Jacob Cannon's, Montgomery, Lone Oak and Collard's; Crockett to San Augustine, via Masters', Mount Airy, Douglass, Nacogdoches, Melton and Flournoy's; San Augustine to Sabine Town, via Milam; Nacogdoches to Marshall, via Wm. Wooton's, and Henderson and Sam Walkers'; San Augustine to Marshall, via Shelbyville, Hillsboro's, Mount Mourn and Parry's; Marshall to Boston, via Dainfield and Weaver's; Boston to Bonham, via De Kalb, Savannah, Wintersville, Blossom Prairie, Paris and Honey Grove; Austin to Columbus, via Smithwick's, Bastrop, Mount Pleasant, Cunningham's, Miller's, La Grange and Frail's on Cummings' Creek; Columbus to Matagorda, via Egypt, Peach Creek, Preston and Caney; Matagorda to Galveston, via Hines', Brown's, Liverpool and Virginia Point, Velasco to San Felipe, via Brazoria, Columbia, Jimbo, Big Creek and Richmond; San Felipe to Franklin, via Bostwick's Crossing, Travis, Cedar Creek, Washington, Wintersville and Wheelock's; Franklin to Dallas, via Alta Vista, Parker's Point, Melton's and Chambers' Creek; Dallas to Bonham, via M'Garrah's; Fantharps to Crockett, via Mitchell's, Leona Mills, Alabama and Mustang Prairie; Crockett to Fort Houston, via Petett's; Washington to Houston, via

Arnold's; Houston to Galveston, via Lynchburgh; Houston to Egypt, via Hodge's Bend, Richmond and Damon's Mill; Egypt to Victoria, by way of Texana; Independence to Franklin, via Mound Prairie, Caldwell, Dilliard's and Nashville; from Galveston to Swartwout, via Chambersia and Liberty; Huntsville to Jasper, via Rankin's, Swartwout, Criswell's, Hooker's, Ratchiff's and Town-Bluff; Jasper to Sabine Town, via William's on Cow Creek; Point Bolivar to Pattillo's, via David Garner's and Beaumont; Matagorda to Port Caballo, via Matagorda Bay; from Port Lavacca to Gonzales, via Victoria and Cuero; Clarksville to Fort Towson, U. States; Boston to Fulton, U. States, via Moorsville; Montgomery to Houston, via Jacob Croft's on Spring Creek; Marshall to Greenwood, United States, via Port Caddo; Sabine Town to McClannahan's, United States.

Sec. 2. Be it further enacted, That all contractors for carrying the Mail, shall, whenever they fail of carrying the Mail, from any cause whatsoever, for one week, forfeit out of their pay, one half of the amount due for that week; and if they fail more than one week, at one time, they shall forfeit all pay for the time lost.

Sec. 3. Be it further enacted, That the following rates of postage be established, to wit: each single letter, distance less than one hundred miles, ten cents; each single letter, one hundred miles and upwards, twenty cents; each double letter, double the above rates; each triple letter, triple the above rates; and each package of one ounce, quadruple the above rates, and any larger package, in proportion, according to its weight; on ship letters, five cents; way letters, five cents. On newspapers, conveyed one hundred miles and under, one cent; over one hundred miles, two cents; and on foreign newspapers, one cent in addition to the above rates; on books and pamphlets, per sheet, the same as newspapers. The postage to be paid in Gold or Silver.

Sec. 4. Be it further enacted, That so much of the thirteenth section of an act, entitled "An Act to amend, and to reduce into one, the several laws regulating the Post Office Department," approved February sixth, one thousand eight hundred and forty, as reads, "and except also, such as are directed to be delivered at the port of delivery, to which such

or vessel may be bound," be, and the same is hereby re-
ed.

ec. 5. Be it further enacted, That there may be an agent ap-
ted in New Orleans, whose duty it shall be, to assort and for-
d all letters, keep a mail bag in his office, and shall receive
pensation for all trouble and expense to the amount of one
dred and fifty dollars per annum.

ec. 6. Be it further enacted, That from and after the passage
his act, a Post Office shall be established at Corpus Christi, and
Post Master at Galveston, shall, (when an opportunity may
ur,) forward the mail to Corpus Christi by water, and there
l be collected, as postage, on all letters so forwarded, five cents
ddition to the postage which should have accrued at the Port
Galveston.

ec. 7. Be it further enacted, That this act shall take effect
be in force from and after the first day of April next.

pproved, January 30th, 1845.

AN ACT

o authorize the appointment of Trustees in certain cases.

ection 1. Be it enacted by the Senate and House of Repre-
atives of the Republic of Texas in Congress assembled, That
n and after the passage of this act, it shall be lawful for any
omination of Christians, or the citizens of any neighborhood in
Republic to appoint a board or boards of Trustees, for meeting
ses, camp grounds, parsonages and school houses.

ec. 2. Be it further enacted, That each denomination
l be allowed to adopt its own method of appointing Trus-
and that when the citizens of any neighborhood shall be
osed to build a school house, a public meeting of the
ens shall be called, by giving at least ten days previous
ce, said meeting shall choose a President and Secretary
the time being, and when the meeting is so organized, they

shall proceed to elect by a majority of votes, in the manner they may think best, a suitable number of Trustees, not less than three nor more than nine, and a certificate of their election shall be made out and signed by the President and Secretary of the meeting, and shall within sixty days thereafter be forwarded to the office of Recorder for the county, in which such election shall have taken place, and in case an appointment of Trustees shall be made by any church or denomination of christians, a like certificate of their appointment shall be made out and signed by the proper officer or officers of the church or denomination making the appointment, and be forwarded for record as above specified.

Sec. 3. Be it further enacted, That all vacancies in boards of Trustees, shall be filled by each body having jurisdiction in the case, provided, that when a board of Trustees shall be dissolved by death resignation or otherwise, it shall be lawful for the party having jurisdiction in the case, to appoint a new board of Trustees, as provided for in the first section of this act.

Sec. 4. Be it further enacted, That when a board of Trustees shall be so constituted, they shall be considered in law and equity a body politic and corporate, capable of making contracts, of suing and being sued, of pleading and being impleaded, of receiving and holding, (in trust,) lands and other property for the purpose of building meeting houses, camp grounds, parsonages or school houses as the case may be, for the use and benefit of the church or people appointing them; and in all cases said Trustees shall be accountable to the power appointing them, for the faithful performance of their duty, and it shall be lawful for those having jurisdiction, to remove them from office at any time for delinquent conduct.

Sec. 5. Be it further enacted, That all lands (not exceeding ten acres in each case,) held by such Trustees, for any one or all of the purposes above named, together with the buildings, improvements and furniture belonging to the same, shall be held free from taxation until the legislature shall otherwise direct.

Sec. 6. Be it further enacted, That all lands or other property heretofore conveyed to any church, or denomination of christians, or association of the people, for the purposes above named, shall enjoy all the benefits of this act, Pro-

d, the amount of lands exempt from taxation, shall not extend ten acres in each case.

Sec. 7. Be it further enacted, That it shall be the duty of the President of the Trustees, as contemplated by this act, to give in lands or other property for taxation, belonging to such Trustees, under oath, except such as are exempt by this act, and the President is hereby reserved to the legislature, to make such alterations, modifications or restrictions of this act, as may seem to it, to conform with the public interest.

Approved, January 30th, 1845.

AN ACT

For the purpose of making an appropriation for the payment of outstanding liabilities of the Government, incurred for Indian purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a sum of four thousand forty-two dollars be, and the same hereafter is, appropriated for paying the outstanding liabilities, of the Government of this Republic, incurred during the last year for Indian purposes.

Sec. 2. Be it further enacted, That the aforesaid appropriation be placed at the disposal of His Excellency the President of this Republic.

Sec. 3. Be it further enacted, That this act go into effect from the day after its passage.

Approved, January 30th, 1845.

AN ACT

To incorporate the Grand Lodge of the Republic of Texas, and other subordinate Lodges.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Grand Master, Grand Wardens and Brethren of the Grand Lodge of the Republic of Texas, be, and are hereby constituted and declared to be a body corporate and politic, under the name and style of the Grand Lodge of the Republic of Texas, with power and authority, to sue and be sued, plead and be impleaded; to have and use a common seal, and at pleasure to alter or change the same, and in their corporate capacity to hold and possess estate, real and personal, not exceeding twenty thousand dollars in value, with full and ample powers to dissolve their corporation at any time they may deem proper, and to sell and convey their corporate property and distribute the proceeds among the individual members of the Lodge or in such other manner as they may direct, provided the amount of real estate in lands shall not exceed five acres, and further provided, that when real estate shall accrue to said Grand Lodge, and subordinate Lodges, by donation or will, they shall have the period of two years to dispose of the same.

Sec. 2. Be it further enacted, That the provisions of the first section of this act, shall be extended to the Master, Wardens and Brethren of Holland Lodge, number one, at Houston, to the Master, Wardens and Brethren of Harmony Lodge, number six, at Galveston; to the Master, Wardens and Brethren of Orphans Friends Lodge, number seventeen, at Fantharps in Montgomery county, and to such other subordinate Lodges as are, or may be established under the Grand Lodge of the Republic of Texas, that may avail themselves of the same.

Sec. 3. Be it further enacted, That this act shall take effect and be in force from and after its passage.

Approved, January 30th, 1845.

AN ACT

To incorporate the town of Huntsville.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That citizens of the town of Huntsville in Montgomery county, be, they are hereby declared a body corporate and politic, under name and style of the corporation of the town of Huntsville, shall have the power of suing and being sued, pleading and being impleaded, and to hold property real and personal within limits of said corporation, and at their pleasure to sell and dispose of the same.

Sec. 2. Be it further enacted, That the corporate limits of the town shall extend one half mile in every direction from the centre of the public square.

Sec. 3. Be it further enacted, That it shall be the duty of the Sheriff of Justice of the county, to order an election to be held as early as practicable, after the passage of this act, upon giving ten days notice thereof, for the election of one Mayor, and six Aldermen, Collector or Constable, Treasurer and Secretary, who shall hold their offices for the term of one year from the time of their election. In case a vacancy occur by death resignation or otherwise, a vacancy for the unexpired term, shall be filled by new election, as follows, in case of vacancy in the office of Mayor, then the election to be conducted by a quorum of the board of Aldermen, but in case of vacancy in the board of Aldermen, Collector, Treasurer or Secretary, then the election shall be conducted by the Mayor. All persons residing within the corporation, shall be entitled to a vote for the above named officers, who are eligible to vote for Members of Congress.

Sec. 4. Be it further enacted, That the Mayor and two-thirds of the Aldermen shall constitute a board to transact business.

Sec. 5. Be it further enacted, That the Collector, Treasurer and Secretary, shall give bond in such sum, and with such securities, as shall be approved by the Mayor and board of Aldermen, and that all officers elected by virtue of this act, upon entering upon the duties of their office, shall take and

subscribe an oath, for the faithful performance of the duties of their respective offices.

Sec. 6. Be it further enacted, That it shall be the duty of the Mayor to cause an election to be held annually, at least ten days before the expiration of his term of office, for Mayor, Aldermen, Collector, Treasurer and Secretary, who shall enter upon the duties of their offices respectively, upon the expiration of the term of their predecessors.

Sec. 7. Be it further enacted, That the Mayor shall have jurisdiction and exercise the powers of a Justice of the Peace, over all offences committed against the ordinances and decrees of the Mayor and board of Aldermen, within the limits of the corporation.

Sec. 8. Be it further enacted, That the Mayor and Aldermen, shall have power to pass such ordinances and decrees, as they shall deem necessary for the establishing schools and support of education, for the regulation of the police and preservation of order, to prescribe penalties, to levy taxes for the removal of nuisances, keeping the streets in order, and such other purposes, as the board may deem necessary and proper within the corporate limits of said town, provided, such ordinances and decrees shall not conflict with the constitution and laws, of this Republic.

Approved, January 30th, 1845.

JOINT RESOLUTION

To provide for the organization of Goliad County.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the present representative from Goliad county, (Isaac W. Johnson,) be, and he is hereby authorized and empowered to order and hold an election, for a Chief Justice of the county aforesaid, in the same manner that all other elections are held by law, the returns of which shall be made to him by the

siding officers of the various precincts, and by him sent to the Department of the Republic, upon the receipt of which a commission shall issue to the individual receiving the highest number of votes, as in other cases.

Sec. 2. Be it further resolved, That so soon as an election shall be had as aforesaid, the person receiving the highest number of votes, shall, after taking the oath prescribed by law, enter upon the discharge of his duties and proceed to organize said county, by ordering elections for all other county officers; said Chief Justice, when elected and qualified, is duly empowered to demand and receive all papers, books, etc., composing or belonging to the records of the courts, and surveyors office of said county, and the same safe-ly to keep and preserve, until proper officers are elected to take charge of the same, when he shall deliver them over to the persons duly authorized to receive them.

Sec. 3. Be it further resolved, That this Joint Resolution take effect and be in force from and after its passage.

Approved, January 30th, 1845.

AN ACT

Establishing a Mail Route therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be a post route established between the city of Galveston and Matagorda, via: San Luis and Velasco, and shall be let out upon the same provisions as other mail routes of this Republic.

Approved, January 30th, 1845.

JOINT RESOLUTION.

Requiring the President to appoint an additional Notary Public, for the county of Gonzales and Fort Boggy in Robertson county.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President of the Republic, be, and he is hereby authorized and required to appoint one additional Notary Public at the town of Seguin, in and for the county of Gonzales, also one Notary Public for Fort Boggy in the county of Robertson.

Approved, February 1st, 1845.

AN ACT

To allow Thomas Robinson to adopt a certain child therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Thomas Robinson of the county of Fayette, be, and is hereby authorized to adopt Thomas Elder as his lawful child, and that the said Thomas Elder is capable of inheriting by law, the property of said Thomas Robinson, in the same manner, as if he had been born his own child in wedlock.

Sec. 2. Be it further enacted, That the said Thomas Elder, shall be called and known as Thomas Elder Robinson, from and after the passage of this act.

Approved, February 1st, 1845.

AN ACT

endatory to act, entitled An Act to establish and incorporate the Marshall University.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That after the number of Trustees of the Marshall University shall be reduced to nine, and they shall consist of the following individuals, H. B. Kelsey, Joseph Mason, M. L. Woods, J. W. Maulding, George B. Adkins, William P. Hill, William J. Blocker, J. Y. Collier, Samuel M. Parry.

Sec. 2. Be it further enacted, That the said Trustees are hereby authorized to dispose of two leagues of land donated to said University, at such time, and upon such terms as they may think proper: provided, that it shall not be sold at less than one dollar per acre; and that this act shall take effect from and after its passage.
Approved, February 1st, 1845.

JOINT RESOLUTION.

For the relief of Helena Nelson.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office, be, and he is hereby authorized and required to issue a certificate to Helena Nelson, for one league and labor of land, it being the quantum of land to which she is entitled, as the head of a family at the Declaration of Independence.

Sec. 2. Be it further resolved, That this Joint Resolution take effect from and after its passage.
Approved, February 1st, 1845.

AN ACT

Supplementary to An Act to establish the Eastern boundary line of Rusk County, and for other purposes, approved 31st December, 1844.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That instead of running the Eastern boundary line of Rusk county, due North, from the place of beginning, as contemplated by the act, to which this is a supplement, the said line shall be run from the said place of beginning, up the main channel of the Attoyac Bayou, to the crossing of the road leading from William Corder's of Shelby, to Claiborne Johnson's of Rusk county, thence due North to the old line that divided Harrison from Shelby county before the passage of the act, to which this is a supplement, thence due East to a point due North from the place of beginning, thence due North as contemplated by the said act to which this is a supplement, which line as herein provided for, shall be, and is hereby declared the Eastern boundary line of the said county of Rusk, any thing in the act to which this is a supplement to the contrary notwithstanding.

Sec 2. Be it further enacted, That this act take effect from and after its passage.

Approved, February 1st, 1845.

AN ACT

For the relief of Thomas Tomlinson.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office, be, and he is hereby required to issue to Thomas Tomlinson Jr., minor

ir of Thomas Tomlinson Sr., a patent for one league and one
or of land, on a certificate granted by the Board of Land Com-
missioners for the county of Red River, to George W. Wright, ad-
ministrator of the estate of Thomas Tomlinson Sr., deceased.
Approved, February 1st, 1845.

AN ACT

Relative to Tonnage Duties.

Section 1. Be it enacted by the Senate and House of Repre-
sentatives of the Republic of Texas in Congress assembled, That
from and after the first of April, eighteen hundred and forty-five,
there shall be levied and collected, on each and every Texian ves-
sel, and on each and every foreign vessel, entitled by treaty to equal-
ity with Texian vessels, a tonnage of sixty-two and a half cents for
each ton of her burthen, on arriving in a port of this Republic
from a foreign port.

Sec. 2. Be it further enacted, That from and after the date afore-
said, there shall be levied and collected, on each and every foreign
vessel, not entitled by treaty to equality with Texian vessels, on ar-
riving in a port of this Republic, from a foreign port the tonnage
duty as heretofore, of one dollar for each ton of her burthen, unless
that amount should be less than the tonnage duty which would be
levied on a Texian vessel, on entering a port of the nation to which
said foreign vessel belongs, in which case it shall be lawful to exact
on said foreign vessel, the same tonnage duty to which in a port of
said vessels' nation, a Texian vessel would be liable, but no collector
shall exact such augmentation of tonnage duty until authorized by
the instructions of the Secretary of the Treasury.

Sec. 3. Be it further enacted, That there shall be lev-
ied and collected, from each Texian vessel of foreign con-
struction that may take out a coasting license from and after

the date aforesaid, an annual coasting tonnage duty of sixty-two and a half cents for each ton of her burthen, to be collected in the manner provided for in "an act for the regulation of the coasting trade and the protection of Texian shipping," approved January fourth eighteen hundred and forty-one.

Sec. 4. Be it further enacted, That from and after the date aforesaid, whenever a vessel arrives from a foreign port in a port of this Republic in ballast, she shall on entry be liable to no more than one quarter of the rate of tonnage duty required of her in the foregoing sections, and if she depart from the same port in ballast, no additional amount of tonnage duty shall then be required of her, but if she depart from said port with cargo, or proceed coastwise in ballast, to another port of the Republic, and there take in cargo, she shall pay the remaining three quarters of her regular rate of tonnage duty, at the port whence she clears with lading.

Approved, February 1st, 1845.

JOINT RESOLUTION.

Making legitimate a certain person therein named.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Leander Beason Jr., an illegitimate and infant son of Leander Beason Sr., and Martha Jane Pace, be, and he is hereby declared to be the legitimate son and heir of the aforesaid Leander Beason Sr. and capable of inheriting, the same as though born in wedlock.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

Approved, February 1st, 1845.

AN ACT

For the better security of Customs.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury is authorized to appoint an officer in the Custom-house at Galveston, whose duty it shall be to take cognizance of the entries of Merchandise and collection and disbursement of revenue made in that office, and to make quarterly returns of the same, independent of those of the Collector, and to perform such other duties, with regard to the revenue as shall be from time to time required of him by the Secretary of the Treasury, which officer shall receive the same salary as a Chief Clerk of one of the Government Departments; and this act shall take effect from and after its passage.

Approved, February 1st, 1845.

JOINT RESOLUTION

For the relief of Jeremiah Latham.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue a certificate in favor of Jeremiah Latham for a labor of land, being the balance due him for his headright, which said labor may be located on any of the vacant domain of this Republic, and that this Joint Resolution shall take effect from and after its passage.

Approved, February, 1st, 1845.

JOINT RESOLUTION

For the relief of Francis Hughes, John C. Baker, Henry Wicks, G. B. Pilant, G. W. Trieghen and Henry W. Augustine who are permanently disabled in the service of the country.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office, be, and is hereby required, to issue to Francis Hughes, John C. Baker, Henry Wicks, G. B. Pilant, G. W. Trieghen, and Henry W. Augustine, a certificate for one league and labor of land each, to be located on any vacant and unappropriated lands of this Republic.

Sec. 2. Be it further resolved, That when the surveys are made and field notes returned on the same, in accordance with law, it is hereby made the duty of the Commissioner of the General Land Office, to issue patents thereon; and that this Joint Resolution take effect from and after its passage.

Approved, February 1st, 1845.

AN ACT

For the relief of Bertholett Heald & Co.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury be, and is hereby authorized and required, to issue a draft or drafts, receivable for direct taxes in the counties of Red River and Lamar, in favor of Bartholett Heald & Co., for the sum of nine hundred dollars.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, February 1st, 1845.

AN ACT

repeal in part, and amend an act, repealing in part and amending an act, entitled An Act for the Corporation of the city of Galveston, approved February 5th, 1844.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That much of the last sentence of the seventeenth section of said act, is in the following words "provided that the provisions of this act shall not apply to resident citizens of Texas," be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That section twenty-one of said act be amended as follows: "Section twenty-one, Be it further enacted, That from and after the passage of this act, the act of incorporation of the city of Galveston, shall consist of this act, and so much of the act entitled An Act for the incorporation of the city of Galveston, approved fifth February, one thousand eight hundred and forty, as is not hereby repealed, any laws to the contrary notwithstanding."

Approved, February 1st, 1845.

AN ACT

For the incorporation of Rusk County Academy.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a seminary of learning, be, and the same is hereby established at the town of Henderson, in the county of Rusk, to be denominated Rusk county Academy.

Sec. 2. Be it further enacted, That there shall be thirteen trustees appointed, who are hereby authorized to take charge of the interests of the Academy, which shall be located as

aforesaid, and a majority of the whole number of Trustees shall constitute a quorum for the transaction of business.

Sec. 3. Be it further enacted, That the following persons are hereby appointed Trustees of said Academy, and shall be recognized as such, viz: James Smith, Wm. B. Ochiltree, Archibald H. Watkins, Robert W. Smith, Robert L. Lane, Elijah Allen, Ezra Wilson, Wm. Halton, Wm. Howeth, John W. Massie, Isaac Ferguson, William Woolwine and John Hammons.

Sec. 4. Be it further enacted, That the Trustees aforesaid, be, and they are hereby constituted a body politic in deed and in law, by the name and style of the "President and Trustees of the Rusk County Academy," and by this name, they and their successors may, and shall have succession and exercise the privileges herein granted for the term of thirty years, and be able and capable in law to have, receive and enjoy to them and their successors, lands, tenements and hereditaments of any kind in fee, or for life, or for years, personal property of any kind whatsoever, and also all sums of money given, granted or bequeathed to them for the purpose of promoting the interest of the said Academy: Provided That the property owned by the body corporate under the provisions of this act, shall at no time exceed in value the amount of one hundred thousand dollars over and above the buildings apparatus and library.

Sec. 5. Be it further enacted, That there shall be a stated meeting of the board of Trustees in each year at the time of conferring degrees. That the President of said board of Trustees shall have full power to call an occasional meeting of the board whenever it shall appear to him necessary.

Sec. 6. Be it further enacted, That the Trustees of said Academy, may and shall have a common seal for the business of themselves and their successors, with liberty to change or alter the same from time to time as they shall think proper, and by their aforesaid name, they and their successors shall and may be able to sue and be sued, plead and be impleaded, answer and be answered unto, defend in all courts of law and equity in this Republic, and to grant, bargain and sell any lands and tenements, goods and chattels that may hereafter belong to said academy, to construct all necessary buildings for said institution, to establish a preparatory De-

ment and a female Department, and such other dependent institutions as they shall deem necessary, to have management of the finances, the privileges of electing their own officers, of appointing necessary committees and to act and do all things whatsoever, to the benefit of said institution, in as ample a manner as persons or bodies politic or corporate can and may by law.

Sec. 7. Be it further enacted, That the said Trustees shall have the power of prescribing the course of studies to be pursued by the students, and of forming and enacting all such ordinances and by-laws as shall appear to them necessary for the good government of said academy, and of their own proceedings; Provided, they do not repugnant to the constitution and laws of the Republic of Texas.

Sec. 8. Be it further enacted, That the head of said Academy shall be styled the "President and Instructors thereof," the professors and the President, or a majority of them shall compose the faculty of said Academy, which faculty shall have power of enforcing the ordinances and by-laws adopted by the Trustees for the government of the students, by rewarding or censuring them, and also by suspending such of them, as after repeated admonition continue disobedient or refractory, until a determination of a majority of Trustees can be had, but it shall be only in the power of a quorum of Trustees at their stated meetings to expel any student or students of the said academy.

Sec. 9. Be it further enacted, That the Trustees shall have full power by the President or Professors of said Academy, to grant or confer such degree or degrees in the arts and sciences to any of the students of said Academy, or persons by them thought worthy, as is usually granted and conferred in other Academies, and to give diplomas or certificates thereof, signed by them, and sealed with the common seal of the Trustees of the Academy, to authenticate and perpetuate the memory of such graduation.

Sec. 10. Be it further enacted, That whenever vacancies shall occur in the board of the Trustees, either by death, resignation or otherwise, such vacancies shall be filled by a majority of the remaining Trustees.

Sec. 11. Be it further enacted, That whenever a vacancy shall occur in the Presidency or any of the Professorships of

the Academy, the board of Trustees shall have power to fill such vacancy.

Sec. 12. Be it further enacted, That the Trustees shall have the power of fixing the salaries of the officers of the Academy, or of removing any of them for neglect or misconduct in office, a majority of the whole number concurring in said removal.

Sec. 13. Be it further enacted, That the institution hereby incorporated, shall be purely literary and scientific, and students of all religious denominations shall enjoy equal advantages.

Sec. 14. Be it further enacted, That land, buildings, and other property belonging to said institution, are hereby declared to be free from any kind of public tax, for five years from the time of its location.

Sec. 15. Be it further enacted, That the Trustees of said Academy, shall have power to appoint six honorary members to be added to their number; and the members so appointed may take their seats at any meeting of the board, and have all the powers and privileges that other members of the board have: Provided, that a quorum of the board of Trustees constituted by this act shall be present, and that this charter shall be subject to such alterations, revision and amendments as Congress may from time to time think necessary.

Sec. 16. Be it further enacted, That this act shall be deemed a public act, and judicially taken notice of without special pleading.
Approved, February 1st, 1845.

AN ACT

Making appropriations for the support of Government, for the year one thousand eight hundred and forty-five.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the following amounts be, and the same are hereby appro-

ed, for the support of the Government, for the year one thousand eight hundred and forty-five, to wit: for pay and mileage of members of the ninth Congress, eleven thousand dollars.

or pay of Chief Clerk of the House of Representatives, during recess of Congress, seven hundred dollars.

or pay of Secretary of the Senate during the recess of Congress, a hundred dollars.

or contingent expenses of the ninth Congress, two thousand dollars.

or compensation of the President of the Republic, five thousand dollars.

or compensation of the Vice President of the Republic, one thousand dollars.

or compensation of the President's private Secretary, seven hundred and fifty dollars.

or contingent expenses of the Executive Department, two thousand five hundred dollars.

or compensation of the Secretary of State, one thousand five hundred dollars.

or contingent expenses of State Department, one thousand dollars.

or hire of porters, one half for Treasury Department and Bureau to be under control of Secretary of the Treasury, and the same for the other Departments under control of the Secretary of State, two hundred dollars.

or contingent expenses to the Post Office Bureau, one thousand five hundred and sixty dollars.

or transportation of mails for the year one thousand eight hundred and forty-five, fifteen thousand dollars, and all the monies coming from the receipts of the Post Office Bureau.

or compensation of the Secretary of the Treasury, one thousand five hundred dollars.

or contingent expenses of the Treasury Department, including purchase of books, printing, amounts now due and owing &c., seven hundred and thirty dollars.

or compensation and expenses of travelling agent for the Treasury Department, one thousand two hundred and fifty dollars.

or compensation of the Comptroller, one thousand dollars.

For printing the laws and journals of the ninth Congress, four thousand dollars.

For contingent expenses of Comptroller's Office, one hundred dollars, and sixty-five dollars for printing Treasury Warrants, &c.

For compensation of Auditor, one thousand dollars.

For contingent expenses Auditor's Office, two hundred and forty dollars, including seventy-five dollars now due and owing.

For compensation of Treasurer, one thousand dollars.

For contingent expenses of the Treasurer's office, one hundred dollars.

For compensation of Secretary of War and Marine, one thousand five hundred dollars.

For contingent expenses of the War and Marine Department, five hundred dollars.

For compensation of Captain of Ordnance, six hundred dollars.

For compensation of the Attorney General, one thousand dollars.

For contingent expenses of Attorney General's Office, one hundred and fifty dollars.

For compensation of Commissioner of General Land Office, one thousand five hundred dollars.

For expenses of the General Land Office as follows: books and stationery, five hundred dollars.

For the purchase of blank patents, one thousand five hundred dollars.

For surveying land scrip, eight hundred dollars.

For county maps, fifteen hundred dollars.

For connecting surveys and county lines, one thousand dollars.

For contingent expenses (embracing cost of fire wood, portorage, nails, glue, canvass for maps, &c. &c.) one thousand dollars.

For compensation of Draftsmen of the General Land Office, eight hundred and fifty dollars.

For compensation of eighteen Clerks employed in the various Departments and Bureaux, to wit: seven Clerks for the Land Office, three Clerks for the State Department, three for the Treasury Department, (including a book keeper, who

receive the same pay as Chief Clerks of Departments,) one for War and Marine Department, one for the Comptroller's Office, for the Auditor's Office, and two for the Post Office Bureau, seven thousand two hundred and fifty dollars.

For compensation of two Chargé d'Affaires, nine thousand dollars for full pay of salary, outfit and contingent, and any law or laws heretofore in force allowing an outfit to foreign ministers, are hereby repealed.

For contingent expenses of Ordnance Department, two hundred dollars, subject to the control of the Secretary of War and Marine.

For compensation of the Chief Justice of the Republic and seven Associate Judges, to be paid as follows: five at one thousand seven hundred and fifty dollars per annum, and three at one thousand five hundred dollars per annum, thirteen thousand two hundred and fifty dollars.

For contingent expenses of the Supreme Court, five hundred dollars.

For compensation of Clerk of Supreme Court, five hundred dollars.

For compensation of seven District Attorneys, two thousand one hundred dollars.

For Indian purposes, subject to the control of the President, ten thousand dollars.

For secret service at the disposition of the President, five thousand dollars, for the disbursement of which amount the President render a proper account thereof to the next Congress.

For compensation of the officers of the ninth Congress, Chaplain Reporter, three thousand two hundred dollars.

For the pension of Joseph Cecil, three hundred dollars, payable yearly.

For the pension of Maria Jesusa Garcia, one hundred dollars.

For the pension of Mary Millsape and family, two hundred dollars.

For keeping the Navy in ordinary, eight thousand dollars, including four hundred and seventy-five dollars and fifty cents due James Denny for repairing the vessels, and five

hundred and fifty-one dollars for pilotage due to George Simpton.

Sec. 2. Be it further enacted, That the unexpended balances of the appropriation for the support of Government for the year one thousand eight hundred and forty-four, is hereby cancelled, except when services have been rendered, and debts contracted anterior to this act.

Sec. 3. Be it further enacted, That the compensation allowed by this act, to the officers of the civil list, shall be computed from the first day of December, one thousand eight hundred and forty-four, or from the date of their appointment.

Sec. 4. Be it further enacted, That this act take effect from and after its passage.

Approved, February 1st, 1845.

AN ACT

For the relief of John Robinson.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Board of Land Commissioners for the county of Lamar, be, and they are hereby authorized and required to issue to John Robinson, an additional certificate for three hundred and twenty acres of land; and that the Commissioner of the General Land Office respect the same as a genuine claim against the Republic; Provided, that said certificate in the location and survey of the same, shall not be divided, and the whole shall be located and surveyed at one place.

Approved, February 1st, 1845.

AN ACT

To amend an act incorporating the town of Bastrop.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the corporate limits of the town of Bastrop, shall extend over the league survey belonging to said town.

Sec. 2. Be it further enacted, That for the purpose of maintaining order within said limits, the said Mayor and Aldermen shall be authorized to appoint one city Marshal, who shall give bond and surety to the Mayor for the faithful performance of his duties; and said Marshal shall perform such duties as may be assigned him by said Mayor and Aldermen.

Sec. 3. Be it further enacted, That said council shall be required to appoint such number of the citizens to patrol the said town as they may deem necessary, and that the citizens appointed as aforesaid, shall be compelled to perform such duty as the said council may assign them, or pay to said corporation such fine as may be established by the ordinances of said corporation.

Sec. 4. Be it further enacted, That the said corporation shall have power to pass and enforce all necessary ordinances and resolutions, to preserve order, and also to prevent the assembling of armed persons within said limits.

Sec. 5. Be it further enacted, That the Mayor of said town shall be fully authorized and required to carry into execution all the ordinances of said corporation; and for that purpose he shall be authorized to arrest the person of any delinquent, and may, for a violation of any of the ordinances, impose a fine or inflict punishment; provided, that the punishment inflicted for any one offence, shall not exceed ten days imprisonment in the County Jail, and no fine inflicted shall exceed one hundred dollars.

Approved, February 1st, 1845.

AN ACT

For the incorporation of the town of Henderson, in the County of Rusk.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the citizens of the town of Henderson, be, and they are hereby declared a body corporate and politic, under the name and style of the "corporation of the town of Henderson," who shall have the power of suing and being sued, pleading and being impleaded, and to hold and dispose of real and personal property: Provided, such real estate is situated within the limits of said corporation.

Sec. 2. Be it further enacted, That it shall be the duty of the citizens of the said corporation, to elect eight Aldermen and a Mayor, who shall be ex-officio, a Justice of the Peace, a Treasurer and Secretary shall be selected by said Aldermen from their own body, and a Collector shall be elected by the citizens of said corporation; the Treasurer and Collector shall be required to give bond with security, to be approved of by the presiding officer, for the faithful performance of their duties, and to make reports when required by the Mayor or board of Aldermen, that the citizens of said corporation shall elect a Constable, that the Mayor shall have power when necessary, to suppress riots and disturbances, to call out the citizens of said corporation for the purpose of restoring order.

Sec. 3. Be it further enacted, That the first election shall be held under the directions of the Chief Justice of the county of Rusk, after having given ten days notice thereof, and annually afterwards, under the directions of the Mayor, at least ten days before the expiration of his term of office, and in case of death or resignation, the vacancy or vacancies shall be filled by new elections, to be ordered by the Mayor, and in case of the death or resignation of the Mayor, the board of Aldermen shall elect one of their own body to act as Mayor, until the next annual election.

Sec. 4. Be it further enacted, That no person shall be eligi-

to hold an office in said corporation, or to vote for the officers thereof, unless he shall have resided in, and be a free-holder or leaseholder in the same, during the period of six months immediately preceding such election, and have acquired the rights of citizenship, in conformity with the laws of this Republic.

Sec. 5. Be it further enacted, That the Mayor and board of Aldermen of said corporation, shall have power to pass such rules and ordinances as may be necessary for the regulation of the police and preservation of order within the corporation limits; to levy assessments for the removal of nuisances, and keeping the streets in good order, and shall have the further power, to prescribe penalties for violation of such ordinances or by-laws; Provided, however, that in no case shall such penalty exceed one hundred dollars.

Sec. 6. Be it further enacted, That the limits of said corporation shall not extend one half mile in a square, so laid off as to leave the public square in the centre of said corporation.

Sec. 7. Be it further enacted, That the Mayor with a majority of said Aldermen, shall constitute a quorum for the transaction of business, they shall enact and enforce such rules and regulations as they may deem necessary for the government of said corporation; Provided, the same does not conflict with the Constitution and laws of the Republic.

Approved, February 1st, 1845.

AN ACT

Requiring the owners of lands in the counties of Refugio and San Patricio, to cause their lines to be designated and marked.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all persons owning lands in the counties of Refugio and San Patricio, by titles from the Mexican Government, or Govern-

ment of Coahuila and Texas, the lines of which have not been correctly and permanently marked and designated, shall, within two years from the passage of this act, cause the same to be re-surveyed, at their own expense, by the county surveyor of the county in which said land is situated, and shall cause permanent corners to be affixed to said surveys: provided, that nothing herein authorized to be done shall validate titles not otherwise valid.

Sec. 2. Be it further enacted, That when said lands shall have been re-surveyed as aforesaid, it shall be the duty of the owners thereof to return certified plats of the same to the General Land Office; and the said plats, when so returned, shall be delineated on the map of the county in which they lie, and shall, from the time of such return and delineation be regarded as the only true boundaries of said land.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage.

Approved, February 1st, 1845.

AN ACT

For the Protection of the Frontier.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President is hereby authorized and required, to appoint Captain John C. Hays to organize and command the following detachments of troops, for the protection of the frontier, viz: For Robertson and Milam counties, two detachments, each to be commanded by a Lieutenant, and to consist of ten men: for the protection of Travis county, a detachment of fifteen men, to be commanded by a Lieutenant: for the county of Bexar, a detachment of one Lieutenant and thirty

n, to be commanded by Captain Hays in person: and for the
ties of Refugio and Goliad, a detachment of fifteen men, to be
manded by a Lieutenant, whose pay shall be as follows: Cap-
t, seventy-five dollars per month; Lieutenant, thirty dollars; Pri-
es, twenty dollars; and who shall be furnished with ammunition,
age and subsistence, horse-shoeing, and medicines, by the Gov-
ment: Provided, the same shall not exceed the sum of ten dol-
s per month for each person.

Sec. 2. Be it further enacted, That as soon as the above detach-
nts shall be organized and reported, it shall be the duty of the
resident to cause the Officers to be commissioned, with instruc-
ns to scour the frontiers of their respective counties, protect
m from incursions, and when concentrated in emergencies, to
under the command of Captain Hays. Each commander of a de-
bment, shall be the disbursing officer for the same, and shall be
petent to make his return to the Secretary of War and Marine,
shall receive from the Secretary of the Treasury the money due
pay, subsistence, forage and ammunition, horse-shoeing and
dicines, and disburse the same under bonds of three thousand
lars for the faithful performance of the duty.

Sec. 3. Be it further enacted, That the sum of thirty thousand
lars is hereby appropriated, to carry out the above provisions.

Sec. 4. Be it further enacted, That Henry L. Kinney, be, and he
ereby authorized to raise and organize one Company of forty
ed men, with one Captain and one Lieutenant, for the purpose
protecting the settlements at Corpus Christi and its vicinity; and
President, so soon as they are organized and reported, shall re-
ve them into the service, and issue the requisite commissions.

Sec. 5. Be it further enacted, That when the said H. L. Kinney
given his bond and security of five thousand dollars, condi-
ed for its faithful application, the Secretary of the Treasury
ll cause the sums necessary for the pay, subsistence, forage and
munition of the said Company, to be paid over quarterly to the
l H. L. Kinney, to be disbursed by him; and the sum of fifteen
usand dollars is hereby appropriated for that purpose.

Sec. 6. Be it further enacted, That the Auditor is hereby

required to audit the accounts of H. L. Kinney, for the amount due of the pay and other contingent expenses of the Company now in service at Corpus Christi, under the order of the President, from the twenty-eighth November, eighteen hundred and forty four, until the twenty-eighth of January, eighteen hundred and forty-five; and that the Secretary of the Treasury pay over the aforesaid amount to said Kinney, which sum shall be deducted from the appropriation in this Act, for the protection of Corpus Christi.

Sec. 7. Be it further enacted, That should any circumstances transpire that might render unnecessary the longer continuance in service of any portion of the forces herein authorized to be raised, the President is authorized to disband the same.

Sec. 8. Be it further enacted, That the said H. L. Kinney, shall never receive any compensation for the services herein authorized, and the armed force thus employed, shall be subject to the rules and articles of war; and that this Act shall take effect from and after its passage.

Approved, February 1st, 1845.

AN ACT

Providing for, and regulating Arbitrations and References.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all persons desirous to end any dispute or controversy by arbitration, for which there is no other remedy but by action of law or suit in equity, may agree, that their submission to arbitration shall be made a rule of the District or other Courts, and may insert such agreement in the submission or in the condition of the bond, agreement or promise, which agreement, on producing an affidavit of the due execution thereof,

the party producing the same, and one of the subscribing witnesses, and filing the same in Court, shall be entered of record, and an order of Court shall thereupon be made, that the parties shall submit to, and be finally concluded by such arbitration; or persons desirous to end any dispute or controversy as aforesaid, may personally appear before the District or other Courts, and acknowledge that they have mutually agreed to refer all their matters of difference, or any particular dispute to the arbitrament of certain persons, by them agreed on and named; on their desiring such submission to be made a rule of Court, the same may be entered of record, and a rule of Court shall be made, that the parties shall submit to, and be finally concluded by such arbitration. In either of the above cases, when the award shall be for money only, the same being returned into and accepted by the Court, judgment shall be rendered thereon for the party in whose favor the award is made, to recover the sum awarded, to be paid to him, together with the costs of arbitration and the costs of Court, and execution may issue thereon accordingly, no judgment shall be entered on any such award, unless it shall appear to the Court by affidavit of the party claiming the entry of such judgment, his agent or attorney, or the return of the sheriff or his deputy, that a copy of the award and notice to appear and show cause why judgment should not be entered on the same, has been previously served on the party to be charged with the judgment at least three days before the motion for judgment shall be made. No judgment shall be entered on motion as aforesaid, after one year from the time of making the award, unless the entry of such judgment be delayed a longer time by a contest as to the validity of such award; Provided, that in no case shall the failure of a party, previous to the institution of any suit to give or offer an arbitration bond to defend, to comply with the award, to be rendered by such arbitration, place the party in any worse situation than if such bond had been given or given.

Sec. 2. Be it further enacted, That when the award shall be for the performance of any thing other than the payment of money, the same being returned into, and accepted by the Court as aforesaid, obedience thereto may be enforced in the Court by attachment and imprisonment in the same man-

ner as obedience may be compelled to any other rule of the Court.

Sec. 3. Be it further enacted, That any arbitration, umpirage or award procured by perjury, corruption or undue or unfair means, shall be judged void, and may be set aside in law or equity: in equity by proceedings on original bill, and at law, on motion, in the Court where submission is made a rule of Court, or where any suit or proceedings shall be instituted on the arbitration bond, submission or award, complaint must be made of such corruption or undue practice before final judgment upon the said bond, submission or award. Whenever the arbitrators chosen shall have the privilege of calling in an umpire in case they cannot themselves decide, it is indispensable to the validity of the award, that the parties themselves choose the said umpire at the same time they select the original arbitrators, unless the party cast, choose to waive this privilege after the rendition of the award, any party may appeal from a judgment rendered on an award in the same manner as from any other judgment.

Sec. 4. Be it further enacted, That when any action may be pending in the District or other Courts and the parties desire to refer the same, it may be done by a rule of the Court, the report of the referees being approved by the Court, and entered of record, shall have the same effect as the verdict of a jury, and the like judgment shall be entered upon it as if the same finding had been by a jury, the costs of the reference shall be taxed with the other costs of the suit.

Sec. 5. Be it further enacted, That the several Clerks of the District and county Courts and Justices of the Peace, in the several counties may issue subpoenas for the attendance of witnesses before arbitrators and referees appointed by said Court or Justice. If any witness after being duly summoned shall fail to attend, the arbitrators or referees may issue an attachment to compel his attendance, and the said witness shall moreover be liable to the party for refusing to attend the same, as on trials at law. The arbitrators and referees may administer oaths and affirmations to witnesses, may punish contempts committed in their presence during the hearing of a cause, the same as a Court of record, may continue the hearing of a cause from time to time, upon good cause shown, and may admit depositions to be read in evi-

ce, the same as in trials at law; Provided that any party to an arbitration may take the deposition of a witness after having given notice to the opposite party, his agent or attorney (if he have any) five days before the time and place at which such deposition will be taken; Provided, however, that an additional notice of one day shall be given for every twenty miles that such party, his agent or attorney may reside from the place at which the deposition is taken; Provided, that in taking such depositions, it shall not be necessary to depose interrogatories, or observe any other formalities than are herein specified, and further provided, that the opposite party may appear at such time and place, and put such cross questions as he may think proper, said notice shall specify the house at which the deposition shall be taken and before what officer.

Sec. 6. Be it further enacted, That such arbitrator or referee shall, before he proceeds to the duties of his appointment, take an oath or affirmation, faithfully, fairly and justly to hear and examine the cause or matters in question, and to make a true and just report or award (as the case may be,) according to the best of his skill and understanding, which oath or affirmation any Judge, Justice of the Peace, Clerk of the District or county Court, is authorized and required to administer.

Sec. 7. Be it further enacted. That each arbitrator and referee shall be allowed, for every days attendance to the business of his appointment, one dollar and fifty cents, to be recovered of the party with the other costs of suit, if the award or report shall entitle the prevailing party to recover costs, witnesses shall receive the same fees for attendance at arbitrations and references as are allowed in the District Courts, Sheriffs, Constables, Clerks and Justices of the Peace shall be entitled to the same fees for services performed in relation to any arbitration or reference as are allowed by law for the like services in their respective Courts. It shall be the duty of the Sheriff or his deputy, or some Constable of the county, when called upon by either of the parties in arbitration, or either of the arbitrators or referees to attend the sessions of any arbitration, summon witnesses and perform the other duties pertaining to their office in the same manner as if the matters were tried in the District Courts, and

in case it may be inconvenient for the Sheriff, deputy or Constable to discharge the duties necessary in and about any arbitration, the Sheriff is hereby authorized to appoint a special deputy or deputies, who shall be invested with all the powers in regard to the particular arbitration, as the Sheriff himself is invested with.

Sec. 8. Be it further enacted, That witnesses in attendance on arbitrations shall prove up their attendance before the arbitrators, and it shall be the duty of the arbitrators in addition to their award, to make a separate return to Court, subscribed with their names, of all the costs legally incurred in and about such arbitration.

Sec. 9. Be it further enacted, That this act shall take effect from and after its passage.

Approved, February 1st, 1845.

AN ACT

To Incorporate Baylor University.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That an institution of learning be, and the same is hereby established at such place within the Republic aforesaid, as the Trustees hereinafter named, may designate, to be denominated the Baylor University.

Sec. 2. Be it further enacted, That there shall be fifteen Trustees, who are hereby authorized to take charge of said University, and a majority of the whole number shall constitute a quorum to do business.

Sec. 3. Be it further enacted, That the following persons have been duly chosen Trustees of said University, and are recognized as such, to wit: R. E. B. Baylor, I. G. Thomas,

Robert G. Horton, Edward Taylor, James S. Lester, R. B. Jarman, James Huckins, Nelson Kavanaugh, O. Drake, Eli Mercer, Aaron Annon, James Farquhar, Albert Haynes, Robert S. Armstead, William M. Tryon.

Sec. 4. Be it further enacted, That the Trustees aforesaid, be, they are hereby constituted a body politic and corporate, in and in law, by the name of the President and Trustees of the Baylor University, and by that name, they and their successors shall and may have succession, and be able and capable in law, to have and receive, and enjoy to them and their successors, lands, tenements, hereditaments of any kind, in fee or for life, or for years, and personal property of any kind whatsoever; and also, all sums of money which may be given, granted or bequeathed to them, for the purposes of promoting the interest of said University: Provided, the amount of property owned by said corporation shall not at any one time, exceed one hundred thousand dollars, over and above the buildings, library and apparatus necessary to the institution.

Sec. 5. Be it further enacted, That there shall be a stated meeting of the Board of Trustees in each year, at the time of conferring degrees, and that the President of said Board shall have full power to call an occasional meeting of the Board, whenever it shall appear to him necessary.

Sec. 6. Be it further enacted, That the Trustees of said University shall and may have a common seal, for the business of themselves and their successors, with liberty to change and alter the same from time to time, as they shall think proper, and that in their aforesaid name, they and their successors, shall and may be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of law or equity in this Republic, and to grant, bargain and sell or assign, any lands, tenements, goods, or chattels that may belong to said University, to construct all necessary buildings for the said institution, to establish a Preparatory Department, and a Female Department, and such other dependent institutions as they shall deem necessary, — to have the management of the finances, the privileges of electing their own officers, of appointing all necessary committees, and to act and to do all things whatsoever for the benefit of said institution, in as ample a man-

ner as any person or body politic or corporate, can or may do by law.

Sec. 7. Be it further enacted, That the said Trustees shall have the power of prescribing the course of studies to be pursued by the students, and of framing and enacting all such ordinances and by-laws, as shall appear to them necessary for the good government of said University, and of their own proceedings: Provided, the same be not repugnant to the Constitution and laws of this Republic.

Sec. 8. Be it further enacted, That the head of this University shall be styled the President, the male instructors thereof, Professors; and the head of the female department, Principal of said department; and the President and Professors, or a majority of them, the Faculty of the Baylor University; which Faculty shall have the power of enforcing the ordinances and by-laws adopted by the Trustees for the government of the students, by rewarding or censuring them, and finally by suspending such of them as after repeated admonitions, shall continue disobedient or refractory, until a determination of a quorum of Trustees shall be had; but it shall be only in the power of a quorum of Trustees, at their stated meetings, to expel any student or students from said University.

Sec. 9. Be it further enacted, That the Trustees shall have full power, by the President or Professors of the said University, to grant or confer such degree or degrees in the arts or sciences, to any of the students of the said University, or persons by them thought worthy, as are usually granted or conferred in other Universities, and to give diplomas or certificates thereof, signed by them, and sealed with the common seal of the Trustees of the said University, to authenticate and perpetuate the memory of such graduations.

Sec. 10. Be it further enacted, That whenever any vacancy shall occur, either by death, resignation or otherwise, in the Board of Trustees, such vacancy shall be filled by the Executive Committee of the Texas Baptist Education Society.

Sec. 11. Be it further enacted, That all necessary officers of said institution, shall be appointed by a majority of the Board of Trustees.

Sec. 12. Be it further enacted, That whenever a vacancy shall occur in the Presidency or any of the Professorships of

the University, the Board of Trustees shall have the power to fill each vacancy.

Sec. 13. Be it further enacted, That the Trustees shall have the power of fixing the salaries of all the officers connected with the University, and of removing them for neglect or misconduct in office, a majority of the whole number concurring in said removal.

Sec. 14. Be it further enacted, That the lands, public buildings, and other property belonging to the said University, are hereby declared to be free from any kind of public tax.

Sec. 15. Be it further enacted, That no misnomer of the said University shall defeat or annul any gift, grant, devise or bequest to the same.

Sec. 16. Be it further enacted, That the Professors of said University, shall not be eligible to act as Trustee or Trustees for the same, and in any case, either or any of the Trustees may hereafter be employed to discharge any of the duties in or about said University, he or they shall resign their station of Trustee or Trustees, before entering upon the discharge of the duties assigned him or them.

Sec. 17. Be it further enacted, That when any law, rule or resolution may be passed by the Board of Trustees at a regular or stated meeting of said Board, it shall not be competent for a called meeting of said Board to repeal or rescind such law, rule or resolution, unless there is a full Board present.

Sec. 18. Be it further enacted, That this Act shall remain in force fifty years, subject to renewal of Congress.

Sec. 19. Be it further enacted, That this Act shall be deemed a public one, and judicially taken notice of, without special pleadings.

Sec. 20. Be it further enacted, That nothing in this Act shall be so construed, as to allow banking privileges, or any other privileges not contemplated by this charter, and a non compliance with the provisions of this Act, or a breach of the same, shall work a forfeiture of this Act or Charter.

Approved, February 1st, 1845.

AN ACT

To amend the fourth and fifth sections of an act, approved January the twenty-seventh, one thousand eight hundred and forty-two, which act was supplementary to an act to raise a revenue by impost duties, approved February fifth, one thousand eight hundred and forty.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the first of January, one thousand eight hundred and forty five, there shall be allowed to the collector of the port of Sabine, twenty per cent, upon all monies collected and paid over to the Treasury, by himself, and ten per cent upon all amounts received by him from deputy collectors in lieu of fifteen and five per cent, (as provided in the fifth section of an act to which this act is an amendment) until the fees of office and commissions amount to the sum of five hundred dollars per annum; after which the per centage shall be the same as is provided in the act aforesaid.

Sec. 2. Be it further enacted, That as the duty of securing the revenue justly incurred, requires more vigilance and exertion in the frontier districts than in others, the collector of either of the districts of Sabine, San Augustine, Soda Lake, or Red River, and any deputy collector in either, whenever his fees and commissions, before the expiration of a year amount to his maximum salary for that year, as regulated by the sections to which this act is an amendment, shall be allowed, after receiving the same, to receive also, as an additional contingent perquisite half the commissions and fees arising, at the same rates from any collections which he may make during the residue of the year, and the provisions of this section shall take effect from and after the first of January, one thousand eight hundred and forty-five.

Sec. 3. Be it further enacted, That there shall hereafter be paid to inspectors, not permanent, one dollar and fifty cents per diem, in lieu of two dollars, as is provided in the fourth section of the act to which this is an amendment; and this section shall have force and effect from and after its passage.

Approved, February 3d, 1845.

AN ACT

to authorize the erection of a light house on Galveston Island.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a sum of seven thousand dollars, be, and the same is hereby appropriated for the purpose of erecting a light house on the east end of Galveston Island, the same to be paid out of the revenue arising from the tonnage duty levied on foreign vessels arriving at the port of Galveston.

Sec. 2. Be it further enacted, That the Secretary of the Treasury, be, and he is hereby, authorized and required to advertise for proposals for the erection of the said light house, the work to commence on or before the first day of June next ensuing, the house or lantern to be at least seventy-five feet high, and built of stone, brick or wood, in the best manner; the work to be let out to the low-bidder, upon his giving good and sufficient security, in double amount of his contract, for the faithful performance of the work within the time prescribed in the agreement, which shall not exceed twelve months, from and after the passage of this act.

Sec. 3. Be it further enacted, That there shall be levied and collected upon all vessels arriving in the ports of this Republic from any foreign country, a light tax of three cents per ton, due and payable to the collector of the port at which she may arrive, for the support of light houses.

Approved, February 3d, 1845.

AN ACT

To authorize the transportation of goods coastwise.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the first day of February next, when a

vessel arrives in a port of this Republic, from a foreign country with goods, wares or merchandize, on board, destined to another port of this Republic, to which the vessel herself is not destined, it shall be lawful to unship such merchandize, under bond on a Texian vessel to the port of their final destination, without exacting payment of duties until their arrival at the second place of landing.

Sec. 2. Be it further enacted, That any consignment to be entitled to the privilege of such unshipment must be of such amount that the duties thereon shall not be less than one hundred dollars, and it must be entered at the first port by the owner, consignee or agent of the same, in the usual form, except that the entry and oath shall specify that the importation is entered for the privilege of reshipment coastwise, subject to duty, and that the entry and oath shall be in quadruplicate, and it must within thirty days after such entry and before the goods have left the public store or the charge of the revenue authorities, to be entered for such reshipment by a quadruplicate oath, sworn and signed by the owner, consignee or agent, which oath shall be attached to the previous entry and shall testify that the merchandize is truly intended to be shipped on board of a vessel whose name and that of her master it shall mention, and to be landed, subject to the revenue laws, at a second port of destination in this Republic, which it shall name, and that no fraud on the revenue is intended in such reshipment, and it shall also be requisite that the merchandize and effects so reshipped shall be contained in the same packages or cases in which they were imported, unless a change of packages should be necessary for their preservation, in which case they may be repacked before reshipment, under the inspection of the revenue authorities.

Sec. 3. Be it further enacted, That before such entry for reshipment is made, a bond shall be given to the satisfaction of the Collector, by two persons, who shall be jointly and severally bound to pay the full amount of the duties on the effects reshipped at the end of sixty days from its date, unless satisfactory proof be produced to the collector, within that time, that the said effects have been landed, and the duties thereon paid or secured according to law, or that the said effects have been accidentally lost or destroyed before being relanded.

Sec. 4. Be it further enacted, That where any merchandize is reshipped, one copy of the quadruplicate entry with the affidavit entry and re-entry attached shall accompany the manifest of the vessel on which the merchandize is re-laden, and another copy of the same shall be sent by the mail or other safe conveyance to the Collector of the Port to which the merchandize is destined, and the manifest shall show in its body what portion of the merchandize is still subject to duty, and the master's oath shall also testify to what items in the list of the manifest compose such portion; and on the arrival of the vessel at the port where the cargo is to be landed, the master shall take and subscribe an oath testifying that the portion of the cargo on board, subject to duty, is the same specified in the manifest, and that the quantity and condition of the vessels composing it are the same as when shipped on board his vessel, as shown by the manifest, excepting any loss which may have occurred, and which, in such case, shall be specified, and that in shipment, transportation and landing of the cargo, nothing has been done whereby the revenue of this Republic has been defrauded; after which, without further entry, the goods so reshipped may be delivered, under inspection, on the duties being paid or secured according to law.

Sec. 5. Be it further enacted, That any merchandize reshipped according to the provisions of this act, shall be subject to inspection both at the port of its first entry and at that whereunto it is shipped: and until it has been delivered at the latter, according to the provisions of this act, the revenue laws shall have the same force over it as in the case of goods entered and landed first from a foreign port: and any vessel on which such merchandize is reshipped shall, from the time it is put on board until the time it is fully delivered, be under the same restriction and responsibility as if the said vessel had on board a cargo bound direct from a foreign port.

Sec. 6. Be it further enacted, That whenever merchandize is reshipped is relanded, and the duties thereon paid or secured according to law, it shall be the duty of the Collector of the port where it is relanded, to forward by mail, or by the first safe opportunity, to the Collector of the port where the merchandize was reshipped, a certificate stating that the duties have been so paid or secured according to law: on re-

ceiving which, the last mentioned Collector shall cancel the bond given to secure the duties.

Sec. 7. Be it further enacted, That it shall be the duty of the Secretary of the Treasury, to issue instructions to the several Collectors, containing the forms of the affidavits, bonds and certificates to be used conformably with the provisions of this act, as also with regard to the inspection needful to be observed in reshipping the goods, and respecting the proofs to be required in case the goods should be lost or destroyed, as well as all other details for carrying out this act.

Sec. 8. Be it further enacted, That this act shall take effect from and after its passage.

Approved, February 3d, 1845.

AN ACT

Amendatory of an act to provide for the establishment and maintenance of peace and to regulate friendly intercourse with the Indians, approved fourteenth January, eighteen hundred and forty-three.

Whereas, by the eighth section of the above recited act, all persons authorized to carry on trade with the Indians, are required to enter into bond, with good and sufficient security for the faithful performance of their duties under the law, and for the infringement of which they are liable to fine and imprisonment, and whereas the persons authorized to trade, as aforesaid, are required to pay into the Treasury of the Republic, whenever called on so to do, such license tax as may be designated by the President, and whereas, also, the eleventh section of the aforesaid act conflicts with the provisions of the eighth section, so as to interfere materially with the intent of the regular trader, and so as to endanger the peace of the frontier, by enticing within the settlements, individuals or parties of Indians:—therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the eleventh section of the above recited act, be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That it shall be the special duty of every Indian Agent to arrest, prosecute or to authorize some other person to prosecute any person found trading with Indians within the bounds of this Republic, without having a license so to do; and when any Indian Agent has reason to believe that the goods in the possession of any person trading with Indians have been brought into this Republic in contravention of the revenue laws of the same, the Agent shall be authorized to demand proof of the owner or possessor that the duties on such goods have been paid, according to law, and in failure of such proof, said goods shall be liable to confiscation, and the Agent is authorized to seize the same, and report the same to the President; but no seizure shall be made under the provisions of this section short of three months after its passage; and provided that this section shall not be so construed as to prevent traders from selling their own produce to Indians.

Sec. 3. Be it further enacted, That so much of the fourteenth section of the above recited act, approved fourteenth January, eighteen hundred and forty-three, as provides that any person or persons, violating the provisions of said section, shall be liable therefor to indictment in any county of the Republic; is hereby repealed.

Sec. 4. Be it further enacted, That it shall be the duty of Indian Agents, licensed traders, or other Government officers concerned with Indian Affairs, to prevent, as far as practicable, without interfering with the friendly relations of Indians, the same from coming within the limits of the settlements, and all trading houses shall be kept on the frontier, in advance of the settlements; and the President is hereby authorized to cause such additional trading houses to be established as he may deem necessary, and under the same regulations as the law to which this is a supplement directs.

Sec. 5. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, February 3d, 1845.

AN ACT

To repeal an act entitled "An Act to authorize the President to issue Exchequer Bills, and to declare what shall be received in payment of taxes and duties on imports," approved nineteenth January, one thousand eight hundred and forty-two.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, it shall not be lawful for the Secretary of the Treasury, or any other officer of the Government, to issue or cause to be issued, any bonds, bills, notes, or any description of paper representing money, intended either for circulation, or to be received in payment of any class of revenue: the intention of this section being not merely to prohibit the issue of paper, but also the re-issue of any such paper which has, or may be returned to the Treasury Department.

Sec. 2. Be it further enacted, That it shall be the duty of the Secretary of the Treasury, to cause all the Exchequer bills received at the Treasury Department, to be destroyed according to the provisions of a Joint Resolution prescribing the manner in which liabilities of the Government shall be destroyed, approved twenty-ninth January, one thousand eight hundred and forty-two.

Sec. 3. Be it further enacted, That from and after the receipt of the whole amount of Exchequer Bills, and such other liabilities of the Government, as are at present made receivable by law, now in circulation: that the Direct Taxes, Tonnage and Impost Duties, Fines, Forfeitures, Penalties, and all other debts due the Government, shall be receivable in Gold and Silver only, provided that all land dues, (except the land tax,) and all payments for patents, shall be receivable as heretofore, in the liabilities of the government.

Sec. 4. Be it further enacted, That it shall be the duty of the Secretary of the Treasury, to procure all plates which may have been used for the printing, lithographing and engraving all Exchequer Bills, Promissory Notes and Bonds, which may be in the hands of the Engravers or Banks in the

y of New-Orleans, or elsewhere, and the same when by him obtained, shall be safely kept, subject to a future action of Congress. Sec. 5. Be it further enacted, That all laws or parts of laws, conflicting with the provisions of this act, be and the same is hereby repealed.

Approved, February 3d, 1845.

AN ACT

Supplementary to the several Acts relative to Direct Taxation.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this Act, there shall be levied and collected, a Poll Tax of fifty cents on every white male of this Republic, between twenty-one and fifty years of age.

Sec. 2. Be it further enacted, That each merchant who sells and exposes of goods and merchandize at retail, shall pay an annual license tax of twenty-five dollars.

Sec. 3. Be it further enacted, That any person or persons who shall violate any law or laws requiring the payment of license taxes, shall be deemed guilty of a misdemeanor and on indictment by a grand jury and conviction by a petit jury, shall forfeit and pay such sum of money as shall be double the amount of the license tax which such person or persons so offending, were liable to pay.

Sec. 4. Be it further enacted, That on all neat cattle, there shall be levied and collected, a tax of one cent per head, and a tax of one dollar per head on all cattle, horses and mules, belonging to persons residing without the limits of this Republic; provided, that persons residing without this Republic, who shall have or may become the owners of neat cattle

by heirship, shall be only compelled to pay at the rate of one cent per head.

Sec. 5. Be it further enacted, That the county or commissioners' court of roads and revenue of each county of this Republic, are hereby authorized to levy and collect in their respective counties in each year, a tax for county purposes, which shall not exceed the one half of the tax levied for the use of this Republic, and that the county taxes hereafter levied, shall be payable in gold, silver or exchequer bills only, or such county liabilities of the respective counties as the county or commissioners' court may direct; each county or commissioners' court, shall have the privilege of giving a preference to one species of claims that may hereafter accrue over another; and if the counties are so heavily involved as to render it impossible to pay its current expenditures, and its existing debt, the latter may be postponed at the discretion of the county or commissioners' court. Drafts issued by the Government, receivable for direct taxes, shall not be receivable for county taxes.

Sec. 6. Be it further enacted, That it shall be the duty of the county Treasurer, to present all retailers who refuse to obtain licenses.

Approved, February 3d, 1845.

JOINT RESOLUTION

For the relief of Antonio Navarro.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and is hereby authorized and required, to pay over to Mr. Antonio Navarro, out of the amount heretofore appropriated for his relief in prison, such amount as he may deem proper to relieve his present necessities.

Approved, February 3d, 1845.

AN ACT

Supplementary to an act to be entitled an act for the protection of the frontier.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and he is hereby authorized and required, to appoint officers of the companies and detachments contemplated in the provisions and to carry into effect the act to which this is a supplement, and that the commander of each company shall be the pur suing officer thereof upon his giving bond and security in the sum of five thousand dollars, for a faithful performance of the same, to be approved by the President, any thing in the act to which this is a supplement to the contrary notwithstanding.

Sec. 2. Be it further enacted, That this act take effect, and be in force from and after its passage.

Approved, February 3d, 1845.

JOINT RESOLUTION

For the relief of G. Elley.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury be required to pay the amount due G. Elley, as private in Captain John C. Hays' company, for the expense of his enrollment in said company..

Sec. 2. Be it further resolved, That this Resolution shall take effect, and be in force from and after its passage.

Approved, February, 3d, 1845.

JOINT RESOLUTION

For the relief of Jarret Menefee.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That to carry into effect a "Joint Resolution for the relief of Jarret Menefee, passed January seventh, one thousand eight hundred and forty-two," authorizing the payment to him of the sum of two hundred and ten dollars, the Auditor be, and he is hereby authorized and required, to issue drafts in sums of fifty dollars, and one of ten dollars, which shall be assignable and receivable in payment of direct taxes.

Sec. 2. Be it further resolved, That this Joint Resolution take effect from and after its passage.

Approved, February 3d, 1845.

JOINT RESOLUTION

For the relief of James Morgan.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized and required to settle the account of James Morgan, late Naval Commissioner, from the time he entered upon the duties of the appointment, until his arrival with the Navy of the Republic from Yucatan, by issuing drafts, in sums not less than fifty dollars; which drafts shall be receivable for any direct taxes due this Republic.

Section 2. Be it further resolved, That this joint resolution take effect from and after its passage.

Approved, February 3d, 1845.

AN ACT

To provide for the issuance of Patents to Assignees.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office be authorized and required to issue patents in the names of the Assignees of all transferable land claims, upon their presenting to him a complete and properly authenticated chain of transfer or obligation for title, from the original grantee.

Sec. 2. Be it further enacted, That hereafter patents may issue in the name of the Assignee, when the certificate was granted in the name of the Assignee, without an exhibition of a chain of transfers as prescribed in the tenth section of an act supplementary to "an act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants, approved February fourth, one thousand eight hundred and forty-one," and all laws contravening this act are hereby repealed.

Section 3. Be it further enacted, That this act be in force from and after its passage.

Approved, February 3d, 1845.

JOINT RESOLUTION

For the relief of certain officers of the Government.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the additional pay, granted to certain officers of the civil list, by an act approved January the sixteenth, eighteen hundred and forty-three, be granted for the year eighteen hundred and forty-five; Provided, That such additional pay be made in specie; and that this act take effect from and after its passage.

Approved, February 3d, 1845.

AN ACT

Supplementary to an act entitled "an act to incorporate the Texas Trading, Mining and Emigrating Company."

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Edwin Morehouse be, and is hereby, authorized to open the books of subscription for said company, and that the persons who may subscribe, or become the owners of the shares, shall be, and they are hereby constituted a body corporate and politic, and in the name and style of the "North-western Mining Company," with all the powers, rights and privileges of which were granted to the "Texas Trading, Mining and Emigrating Company," by the act incorporating the same, approved January thirtieth, one thousand eight hundred and forty-one. This act to continue in force as long as the act is in force, to which this is a supplement or an amendment, and until it shall be repealed by Congress; Provided, That no further rights or privileges are granted by this act than are granted by the act to which this is a supplement.

Approved, February 3d, 1845.

AN ACT

For the relief of H. L. Kinney.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the accounting officers of the Treasury be, and they are hereby authorized and required to issue drafts on the Treasurer, in favor of H. L. Kinney, to the amount of two thousand seven hundred and ten dollars, in three several drafts of equal amount, amounting in all to the sum aforesaid, payable on the first days of April, July and October next.

Approved, February 3d, 1845.

AN ACT

changing the time of holding the Courts in the Sixth Judicial District.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That hereafter the District Courts of the county of Montgomery shall be holden on the first Mondays after the fourth Mondays of March and September, and may continue two weeks; and in the county of Harris on the third Mondays after the fourth Mondays of March and September, and may continue until the business is disposed of; and that all proceedings had, and process and court papers which are or may be returned in accordance with the pre-existing laws, appointing the time of holding the courts of said counties, shall be as valid and legal to all intents and purposes, as if they had been made conformably with the provisions of this act.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

Approved, February 3d, 1845.

JOINT RESOLUTION

For the relief of Captain John C. Hays.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be, and he is hereby required to audit and settle the accounts of Captain John C. Hays, for the amount of four hundred and five dollars fifty-five cents, which amount was disbursed by Captain Hays for the shoeing of horses, and repairing of arms, for the troops under his command during the year one thousand eight hundred and forty four.

Sec. 2. Be it further resolved, That this resolution take effect from and after its passage.

Approved, February 3d, 1845.

AN ACT

To incorporate the Matagorda University.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be erected and established in the county of Matagorda, in this Republic, a University for the education of youth.

Sec. 2. Be it further enacted, That the said University shall be under the management, direction and government of the following named Trustees and their successors, viz: Caleb S. Ives, Ira R. Lewis, Seth Ingram, A. C. Horton, M. L. Wiems, John Duncan, R. S. Blount, John Rugely, Thomas Stewart, W. W. Stewart, Matthew Talbot, Robert Williams, Henry Gibson, Abram Sheppard and L. H. Petty, who are hereby constituted a body politic and corporate in deed and in law, by the name and style of the Matagorda University: and by that name they and their successors shall and may have perpetual succession, and be able and capable in law, to have, receive and enjoy to them and their successors, lands, tenements and hereditaments of any kind or value, in fee or for life or years, and personal property of any kind whatsoever, and also sums of money of any amount whatever, which may be granted or bequeathed to them for the purpose of promoting the interest of the institution.

Sec. 3. Be it further enacted, That the Trustees of the Matagorda University, shall and may have a common seal, with such device and inscription as they shall deem proper, and they shall have power to break, alter and renew the same at pleasure.

Sec. 4. Be it further enacted, That by the name, style and title aforesaid, it shall be capable to sue, be sued, plead and be impleaded in any court or courts, before any judge or judges, justice or justices, in all manner of suits, complaints, pleas, causes, matters or demands whatsoever, in as full and effectual a manner as any other person or persons, bodies politic and corporate, within this Republic may or can do.

Sec. 5. Be it further enacted, That said Board of Trustees and faculties, shall be authorized and empowered to make rules, by-laws, and ordinances, suitable to their several departments; and to do every thing necessary for the benefit and good government and support of the affairs of the corporation: Provided, always, that the said by-laws, rules or ordinances, be not repugnant to the Constitution and laws of this Republic or this instrument.

Sec. 6. Be it further enacted, That the President of the University shall be ex-officio President of the Board of Trustees: seven trustees shall constitute a quorum to do business, and in questions relating to fiscal affairs of the institution, the President shall be excluded from voting.

Sec. 7. Be it further enacted, That they shall appoint stated times for regular annual and semi-annual meetings, Provided, that the President be authorized, in case of emergency, with due notice, to call extraordinary meetings.

Sec. 8. Be it further enacted, That all lands, public buildings and other property, belonging to this University, are hereby decreed to be free from any kind of public taxes for five years; and that the funds and property belonging to the University, aside from the buildings, library and apparatus, shall at no time exceed in value the amount of one hundred and fifty thousand dollars.

Sec. 9. Be it further enacted, That the Trustees of said University, when acting in corporate capacity, shall be required to confine themselves solely to the advancement of literature, together with the arts and sciences; studiously avoiding all undue connection with any religious or political denomination.

Sec. 10. Be it further enacted, That every Trustee elected or appointed by the provisions of this act, shall, before entering upon the duties of his office, take and subscribe the following oath, before a Justice of the Peace: "I do solemnly swear (or affirm,) that I will faithfully discharge the duties assigned me as a Trustee, to the best of my skill and ability, without partiality or affection."

Sec. 11. Be it further enacted, That they shall take effectual care, that all students receive fair, generous and impartial treatment, and that means be used to examine and promote the attainments for which the institution is established; and that they shall have power to confer the degrees of Bachelor of Arts, Master of Arts, Doctor of Medicine, and Doctor of Laws; and to do and perform all things appertaining to institutions of this character.

Sec. 12. Be it further enacted, That whenever any law, rule or regulation may be passed or adopted by the Board of Trustees, at regular or stated meeting of said Board of Trustees, it shall not be lawful for any called meeting of said Board, to repeal or rescind such law, rule or regulation.

Sec. 13. Be it further enacted, That no Professor, Tutor or Steward of the University, shall be eligible to the office of

Trustee of said University; and should any Trustee be chosen a Professor, Tutor or Steward, he shall vacate his office in the Board.

Sec. 14. Be it further enacted, That this charter shall remain in force twenty years, and be subject to renewal by the Congress of this Republic.

Approved, February 3d, 1845.

AN ACT

Supplementary to an act entitled an act creating the county of Rusk, "approved 16th January, 1843, and amendatory to an act supplementary to the former, approved 3d of January, 1844.

Whereas, pursuant to an act creating the county of Rusk, approved January 16th, 1843, certain Commissioners were elected in said county to locate the seat of justice therein; and, whereas the election, though not holden on the day provided for in the statute aforesaid, was legalized by a supplementary act, approved January 3d, 1844; and, whereas the said Commissioners have proceeded to locate the seat of justice of said county, and lay off a town site on a tract acquired for that purpose, and to sell lots in the same, therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all sales which have heretofore been made by said Commissioners, or may hereafter be made by them, or their successors in office, of lots situate within the tract acquired for the purpose aforesaid, shall be legal and valid; as shall, also, be each and every official act needful for effecting and completing the location aforesaid, which they have heretofore done or performed, or which they, or their successors in office may hereafter do or perform, among which acts shall be included contracts for public buildings.

Sec. 2. Be it further enacted, That on the first Monday of the month of March next, the Commissioners aforesaid shall, after giving a notice of ten days by advertisement, hold a meeting at the county seat of Rusk, and proceed to elect a Treasurer, who shall be required to take the usual oath of office, and to give a bond, with two or more approved securities, in the sum of twenty thousand dollars, conditioned for the faithful performance of his duty, and made payable to the Chief Justice of Rusk county; and on the Treasurer's taking the oath, and giving the bond aforesaid, the Commissioners shall hand over to him all funds, notes, bonds and obligations arising from the sale of lots or other property appertaining to the seat of justice, located as aforesaid; and it shall be the duty of the Treasurer, to receive all funds thereafter, paid for such property, as well as to take all notes, bonds or obligations which may thereafter be given for the same, and to have them drawn payable to himself as Treasurer; and it shall, moreover, be his duty to hold such funds and to collect such obligations for the Commissioners, and to disburse the funds so held by him, only in conformity with orders signed by a majority of said Commissioners, and he shall be entitled to a commission of five per cent, on all amounts actually received, and the same on all amounts actually disbursed by him for the Board.

Sec. 3. Be it further enacted, &c., That each of the Commissioners be entitled to a compensation of two dollars for each day that he shall be engaged in the business of his office; Provided, always, that the days for which he is so paid do not exceed two in each month, the compensation to be paid out of the funds of the Board, held by the Treasurer.

Sec. 4. Be it further enacted, &c., That the said Treasurer shall keep, in a well bound book, a clear and full statement of the transactions of his office, and shall, as often as required, by a majority of said Board, report to them: and in the event of the said Treasurer vacating said office, the Board shall forthwith fill said vacancy, as provided in the second section of this act.

Sec. 5. Be it further enacted, That this act shall take effect from and after its passage.

Approved, February 3d, 1845.

AN ACT

To authorize the Auditor to settle the accounts of Hugh S. Hope, Sheriff of Harrison County, Jeremiah Hood, Sheriff of Milam County, and M. H. Hardy, of Victoria County.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be, and he is hereby authorized and required to settle, in full, the accounts of Hugh S. Hope, Sheriff of Harrison county, admitting and allowing all legal demands he may have against the government; any law or laws to the contrary notwithstanding: Provided, said Hope shall pay into the Treasury, on settlement being so made, all monies due the government by him.

Sec. 2. Be it further enacted, That the Auditor is also required to admit the accounts of Jeremiah Hood, Sheriff of Milam county, and those of M. H. Hardy, of Victoria county, for carrying the mail in the years eighteen hundred and forty-one and eighteen hundred and forty-two, on the same conditions.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage.

Approved, February 3d, 1845.

JOINT RESOLUTION

For the relief of Alexander Somervell.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury be required to credit Alexander Somervell with the amount of one hundred and ten dollars and sixty-six cents, being the difference in the value of the coin, as by him received, and allowed for by the Secretary of the Treasury, and that this joint resolution go into effect from and after its passage.

Approved, February 3d, 1845.

JOINT RESOLUTION

For the relief of Susan Parker and Mrs. J. W. Smith.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be, and he is hereby authorized to audit the balance of the late Hon. G. A. Parker, and that the Secretary of the Treasury be authorized to pay the same to Susan Parker, the widow of said G. A. Parker.

Sec. 2. Be it further resolved, That Wm. G. Cooke be authorized to receive the remainder of pay due the late Hon. John W. Smith.

Sec. 3. Be it further resolved, that this Joint Resolution take effect from and after its passage.

Approved, February 3d, 1845.

AN ACT

For the benefit of De Kalb College.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the surveys which have been made by order of the District Court, for the benefit of De Kalb College be, and the same are legalized; and the Commissioner of the General Land Office be required to issue patents upon the field notes of such surveys, in the same manner and form as if certificates had been issued for the same by the Board of Land Commissioners to the Trustees of said institution.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, February 3d, 1845.

JOINT RESOLUTION

To establish the limits of the Mercer Colony.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That General Charles Fenton Mercer and his associates be, and they are hereby required to have the lines of their colony land actually surveyed and marked by the first day of April next.

Sec. 2. Be it further resolved, That a failure to comply with the provisions of the above section, shall work a forfeiture of their contract.

Sec. 3. Be it further resolved, That no person shall be recognized as provided for in said contracts, who were not specially introduced by the said contractors, so far as the premium lands are concerned: but the citizens so introduced shall be entitled to the same amount of lands as though they had been introduced as provided for in said contract; and that this act take effect from and after its passage.

Approved, February 3d, 1845.

JOINT RESOLUTION.

For the relief of William Bryan.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be, and he is hereby authorized and required to audit the claims of William Bryan, for the sum of one thousand and nine dollars and sixty-one cents, being the balance due him as Navy Commissioner.

Sec. 2. Be it further resolved, That this Joint Resolution take effect from and after its passage.

Approved, February 3d, 1845.

AN ACT

To create a Body Corporate and Politic, by the name of the Galveston Chamber of Commerce.

Whereas, a large number of the merchants of the city of Galveston have petitioned that a charter be granted them creating a Chamber of Commerce, and have set forth that such an institution is much required by the mercantile community as tending to diminish litigation, and to establish uniform and equitable charges, and considering that the establishment of a Chamber of Commerce may tend to the general advantage of the citizens of this Republic, as well as to the furtherance of the commercial interest.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Samuel M. Williams, J. T. Doswell, R. M. Hannay, John H. Illies, George B. Innes, L. M. Hitchcock, Jr., John S. Sydnor, D. H. Klaener, John H. Bennett, M. B. Menard, S. Van Sickles, Thomas Bates, H. A. Cobb, E. Kauffman, Matthew Hopkins, Henry A. Williams, E. Martin, E. O. Lynch, J. A. Doe, Henry Hubbell, Thos. F. McKinney, A. Ball, Charles Power, H. McLeod, merchants of the city of Galveston, their associates and their successors be, and they are hereby declared to be a body corporate and politic, by the name of the Galveston Chamber of Commerce.

Sec. 2. Be it further enacted, That the said Chamber of Commerce shall have all the powers, privileges and immunities properly belonging to such bodies, to enable them to carry into effect the foregoing provisions, with authority to make and adopt all rules, regulations and by-laws for their guidance as they may deem proper.

Sec. 3. Be it further enacted, That this act of incorporation shall be in force, for and during the space of twenty years from the passage thereof, and take effect from and after its passage.

Approved, February 3d, 1845.

AN ACT

To amend an act organizing the inferior courts and defining the powers and jurisdiction of the same, passed twentieth December, eighteen hundred and thirty-six, and to repeal in part an act organizing justices' courts, &c., passed twentieth December, eighteen hundred and thirty-six.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it shall be the duty of Chief Justices of County Courts, to cause an election to be held in their respective counties biennially, at the time and places of holding elections for members to Congress, for the election, by the qualified electors, of four Commissioners in each county, who shall hold their offices for the term of two years from their election, who, with the Chief Justice, shall constitute the county court, and shall exercise all the powers and perform all the duties now required by law, of the Board of County Commissioners and County Courts: and the first election for Commissioners shall take place on the first Monday of September, eighteen hundred and forty-five: Provided, that not more than two Commissioners shall be selected out of the same Captain's Beat.

Sec. 2. Be it further enacted, That it shall be the duty of judges of elections to make return of the result of the election, at their respective precincts for County Commissioners, in the same manner that returns are required to be made for members of Congress, and the Chief Justice shall compare the same, and issue his certificate to each of the four persons receiving the highest number of votes in his county, and such certificate shall be a sufficient commission for the term for which such person is elected.

Sec. 3. Be it further enacted, That any two Commissioners, together with the Chief Justice, who shall preside over the court, shall constitute a quorum for the transaction of business.

Sec. 4. Be it further enacted, That the County Court shall be held semi-annually, on the first Mondays in January and July, but extra sessions of the court may be held in cases of emergency, by order of the Chief Justice.

Sec. 5. Be it further enacted, That the office of Justice of the Peace shall not render any person ineligible to hold the office of County Commissioner at the same time.

Sec. 6. Be it further enacted, That the Chief Justice, Commissioners, Clerk and Sheriff shall each be entitled to receive as compensation, two dollars per day, for each and every day they shall be necessarily and actually employed in holding the courts for county purposes, to be paid out of the County Treasury, upon the certificate of the clerk, who shall render to the court, annually, on the first Monday in January, an exhibit, setting forth in whose favor and for what particular service, the date and amount of each certificate by him issued, which amount shall be certified by the Chief Justice, recorded on the minutes of the court, and filed in the clerk's office.

Sec. 7. Be it further enacted, That from and after the first Monday of September next, the Board of County Commissioners, composed of the Chief Justice and Justices of the Peace, shall cease to exercise their functions: and that all laws conflicting with the provisions of this act be, and the same are hereby repealed.

Approved, February 3d, 1845.

AN ACT

For the relief of Abell Morgan.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office be required to issue to Abell Morgan, a certificate for one-third of a league of land as his head-right; having emigrated to this Republic in the year one thousand eight hundred and thirty-five, and subsequent to the second day of May of that year.

Sec. 2. Be it further enacted, That the Secretary of War be required to issue to the said Abell Morgan, a land warrant for three hundred and twenty acres, for a tour of services at the siege of Bexar, in the year one thousand eight hundred and thirty-five: also, a land warrant for twelve hundred and eighty acres, bounty land: said Morgan having enlisted under Colonel Fannin, during the war, and also, a donation warrant for six hundred and forty acres of land, for his participation in the battle of Goliad, with Colonel Fannin, and that this act take effect and be in force from and after its passage.

Approved, February 3d, 1845.

JOINT RESOLUTION

For the relief of William Lakey.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office be, and is hereby authorized and required to issue to William Lakey, of San Augustine county, a certificate for six hundred and forty acres of land, for services rendered by said Lakey, at the siege of Bexar.

Sec. 2. Be it further resolved, That the Secretary of War and Marine, issue to Roland K. Goodloe, a donation certificate for six hundred and forty acres of land, on account of his having participated in the battle of San Jacinto, in accordance with the laws on this subject.

Sec. 3. Be it further resolved, That this resolution take effect from and after its passage.

Approved, February 3d, 1845.

AN ACT

To Incorporate the Texas Cotton and Woollen Manufacturing Company.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Sidney Sherman and his present and future associate, successors and assigns, be, and they are hereby incorporated and created a body politic and corporate, by the name and style of the "Texas Cotton and Woollen Manufacturing Company," with power to sue and be sued, to plead and be impleaded, answer and be answered unto, approve and prosecute to final judgment in any court in the Republic of Texas; to have a common seal, and the same to break or alter at pleasure.

Sec. 2. Be it further enacted, That the object of said Company shall be, to manufacture cotton, woollen and hemp goods, such as shirtings, sheetings, osnaburgs, jeans, cassinetts, linseys, sattinets, yarns, negro cloths, bagging, bale ropes, &c. &c., by steam power or otherwise, and any and all machinery necessary for carrying on such other manufacturing and mechanical business as they deem advisable.

Sec. 3. Be it further enacted, That the capital stock of said Company, shall be two hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars. Said stock shall be divided into shares of five hundred dollars each, the full amount being actually paid in at the time of issuing, or by installments, as the President and Directors may direct.

Sec. 4. Be it further enacted, That said Company under their corporate name, shall have power to hold, purchase, occupy and enjoy to them and their successors, or dispose of any part thereof, all such lands, tenements and hereditaments, and all such goods, chattels and effects of every kind as shall be necessary for the purpose of erecting and carrying on all necessary buildings and works, for the use of said Company, or for the establishment of other factories.

Sec. 5. Be it further enacted, That for the better conducting of the affairs of said Company, there shall be five Direc-

tors, who shall be stockholders of the Corporation, who shall be elected by the stockholders annually; and the Directors shall choose one of their own number as President: Provided, nevertheless, the person or persons named in the first section of this act, shall have and may exercise all the powers given to the President and Directors by this act; and in all elections for Directors, the vote shall be given by ballot, and each stockholder shall have one vote for each share of stock he or she may hold, but no stockholder shall vote at any election, unless the share or shares upon which he or she may claim to vote, is standing in his or her name on the books of said Company at the time of such election. In case of absence from general meetings, any stockholder may be entitled to vote by written proxy. Two of said Directors with the President, or four without the President, shall form a quorum to transact business. Said President and Directors shall hold their offices for the term of one year, and until others are chosen in their stead. They shall choose a Secretary and Treasurer and such other officers as the by-laws of the Company shall prescribe. They shall have power to fill all vacancies which may occur in their board, by death, resignation or otherwise, for the current year.

Sec. 6. Be it further enacted, That the books containing the accounts of said Company, shall be open at all reasonable times for the inspection of the stockholders; and as often as once in each year, a statement of the accounts of said Company, shall be made by order of the directors; and they shall annually or semi-annually, divide between the stockholders thereof, so much of the profits of the business of said Corporation, as in their discretion they shall deem safe and proper. The President and Directors shall elect or appoint in such manner as shall be determined upon, all necessary officers, and fix their compensations and define their duties, to establish by-laws for the government and regulation of their affairs, and the same to alter and repeal; and to employ all such agents, mechanics and other laborers as they may think proper.

Sec. 7. Be it further enacted, That all machinery, and machinery for keeping the same in operation, shall be introduced into the Republic free of duty or any charge whatever by the Government; Provided, that either the President, one

of the Directors, Secretary, Treasurer, or general Agent, make oath before the proper officer at the Custom Houses, that said machinery so imported, is for the use and benefit of said Company; provided, that after two years, the right is hereby reserved to the Legislature to repeal this section whenever it may deem it expedient to do so.

Sec. 8. Be it further enacted, That the stock of said Company shall be considered personal property, and be transferable only on the books of said Company, in such form as the Directors shall prescribe; and said Company shall at all times have a lien upon all the stock or property of the members of said Company invested therein for all debts due from them to said Company.

Sec. 9. Be it further enacted, That a refusal or failure of the Company hereby created, to give in correctly its property for taxation, or a departure from the objects of its creation, or an exercise of any powers or privileges not herein expressly authorized, shall work a forfeiture of this charter.

Sec. 10. Be it further enacted, That the Charter granted by this Act, shall continue in force and effect for the full term of thirty years from and after the passage of this Act.

Approved, February 3d, 1845.

JOINT RESOLUTION

To establish a Hospital at Galveston.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commander of every vessel arriving at the port of Galveston, shall be required to pay to the Collector of that port, the sum of fifty cents for every foreign white male cabin passenger, over sixteen years of age, and the sum of twenty-five cents for every foreign white male steerage passenger over sixteen years of age, according to the list of passengers pro-

duced by said Commander, or his clerk, which list shall be duly signed and sworn to.

Section 2. Be it further resolved, That the Collector of the port of Galveston, shall be required to make monthly returns of such funds as may be raised under the first section of this Act, to the corporate authorities of said port, to be applied by them to the establishment of a Hospital, in such place, time and manner, as they may deem proper.

Sec. 3. Be it further resolved, That this Act take effect and be in force, from and after the first day of May next.

Approved, February 3d, 1845.

AN ACT

To provide the times and place of holding the sessions of the Supreme Court of the Republic.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That hereafter, the annual sessions of the Supreme Court shall be held at the seat of government, or the same place that the regular sessions of Congress may be held, and the said annual sessions of the Supreme Court shall commence to be held on the third Monday of December in each and every year, and the next session of said Supreme Court shall commence to be held on the third Monday of December, A. D., eighteen hundred and forty-five, any law to the contrary notwithstanding; and all parts of laws conflicting with this act be, and the same are hereby repealed.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

Approved, February 3d, 1845.

JOINT RESOLUTION

For the relief of C. B. Acklin and C. R. Perry.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be required to audit the claims of C. B. Acklin and C. R. Perry for the sum of two hundred and fifty dollars each, and that the Secretary of the Treasury be required to pay the drafts of the same, for which purpose the sum of five hundred dollars is hereby appropriated.

Sec. 2. Be it further resolved, That this Resolution take effect from and after its passage.

Approved, February 3d, 1845.

JOINT RESOLUTION

For the benefit of the heirs of Daniel R. Jackson.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office be, and is hereby authorized to issue to the administrator of the estate of Daniel R. Jackson, for the benefit of the legal heirs of said estate, a certificate for one-third of a league of land, and the same be entitled to location upon any of the vacant lands of this Republic.

Sec. 2. Be it further resolved, That this Joint Resolution take effect from and after its passage.

Approved, February 3d, 1845.

AN ACT

To change in part the times of holding the District Courts in the Fifth Judicial District.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That hereafter, the District Courts for the county of Rusk, shall commence their sessions on the last Mondays of April and October, and may continue in session two weeks; and in the remaining counties in said District, as heretofore provided by law.

Sec. 2. Be it further enacted, That all writs, petitions, or other process or proceedings, returnable at any other time, or to any other term than such as are fixed by this law, shall be returnable and triable at the times fixed by this act, and it shall be the duty of the Secretary of State, to have the same published in the *Red Lander*, a newspaper published in the town of San Augustine, for three successive weeks.

Sec. 3. Be it further enacted, That this act take effect from and after its passage.

Approved, February 3d, 1845.

JOINT RESOLUTION

Admitting Ice free of duty into all Ports of this Republic.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this resolution, ice shall be imported, free of duty, into all ports of this Republic.

Approved, February 3d, 1845.

AN ACT

To repeal in part and to amend the fourteenth section of an act to raise a public revenue by direct taxation, approved, sixteenth January, A. D., one thousand eight hundred and forty.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the fourteenth section of an act to raise a public revenue by direct taxation, approved the sixteenth January, A. D., one thousand eight hundred and forty, be, and the same is hereby repealed, so far as relates to the one-fourth of one per cent required to be paid by wholesale merchants, and the one-half of one per cent, to be paid by retail merchants.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

Approved, February 3d, 1845.

AN ACT

Supplementary to an act entitled "an act establishing the jurisdiction and powers of the District Court, approved, December 22d, 1836."

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, witnesses and jurors shall receive one dollar for every day they may serve, and no more, to be certified and paid as heretofore.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, February 3d, 1845.

AN ACT

To establish a Light-House at Passo Caballo.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be a Light-House established on the west side of Passo Caballo, near the spot on which the flag-staff now stands, within or near the site of Port Calhoun, on Saint Joseph's Island; and the unexpended sum of one thousand dollars, formerly granted by an act entitled an act for the protection of the sea coast, approved, fourteenth January, one thousand eight hundred and forty-three, appropriating one thousand dollars to the defence of the Pass into Matagorda Bay, be now appropriated to the building of said Light-House.

Sec. 2. Be it further enacted, That the additional sum of five hundred dollars be appropriated for the completion of said Light-House, and fitting up the necessary apparatus for lights, upon a plan to be given by the Secretary of the Treasury, who shall empower the collector of customs, at Passo Caballo, to contract for and superintend the erection of the building, and the arrangement of the light or lights; strictly adhering to the instructions of the Secretary of Treasury.

Sec. 3. Be it further enacted, That each vessel entering Matagorda Bay, shall pay to the collector of the Port, the sum of five cents per ton as light money, to be appropriated to the purchase of necessary materials for light, and the payment of a proper person to attend to the same, under the instructions of the Treasury Department.

Sec. 4. Be it further enacted, That if it becomes evident to the collector of the port, that the person appointed to keep the lights shall neglect his duty, he shall have the power to supersede the delinquent by appointing some competent person to perform the necessary duties, until the Secretary of the Treasury shall be advised of the removal and his instructions returned; and that all laws contrary to the intent and meaning of this act, are hereby repealed.

Approved, February 3d, 1845.

AN ACT

Making an appropriation for the payment of a claim of Rawdon, Wright, Hatch and Edson, for engraving.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of eight hundred and seventy-four dollars and forty cents be, and the same is hereby appropriated for the special purpose of paying a claim of Rawdon, Wright, Hatch and Edson, of the city of New Orleans, against the government, for engraving Exchequer Bills, which amount the Secretary of the Treasury is authorized to pay, for the purpose above specified, out of any monies not otherwise appropriated: this act being intended to take effect from and after its passage.

Approved, February 3d, 1845.

AN ACT

To extend the power of Constables.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That hereafter, all constables be, and are hereby authorized and empowered, to serve any summons, warrant, writ or other process, issued by a Justice of the Peace, within the county in which said constable was elected.

Sec. 2. Be it further enacted. That all laws and parts of laws contrary to this act be, and are hereby repealed, and that this act take effect from and after its passage.

Approved, February 3d, 1845.

AN ACT

To extend the Franking Privilege to certain persons therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That ex-Presidents of the Republic of Texas, Vice President and ex-Vice Presidents be, and they are hereby entitled to the franking privilege; and this act shall take effect from and after its passage.

Approved, February 3d, 1845.

AN ACT

For the incorporation of the Town of Paris, the County Seat of Lamar County.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the citizens of the town of Paris, the county seat of Lamar county be, and they are hereby declared a body corporate and politic, under the name and style of the Corporation of the Town of Paris.

Sec. 2. Be it further enacted, That the citizens of the corporation of the town of Paris, shall have all the benefits, privileges, and in all respects be governed by the provisions of an act for the incorporation of the town of Marshall, in the county of Harrison, approved, December thirty first, one thousand eight hundred and forty-four.

Sec. 3. Be it further enacted, That the limits of said corporation shall not exceed that of the limits of the corporation of the town of Marshall, in the county of Harrison.

Approved, February 3d, 1845.

AN ACT

Supplementary to an act entitled an act to open and establish a National Road, approved, fifth February, eighteen hundred and forty-four.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That so much of the fourteenth section of the act to which this is a supplement, which requires all contracts to be completed by the first day of January, one thousand eight hundred and forty-five, be, and the same is hereby repealed, and that the contractors have until the first day of April, eighteen hundred and forty-five, to complete the same.

Sec. 2. Be it further enacted, That Austin B. Manion, be, and is hereby entitled to the same amount of lands as other acting Commissioners, subject to the same provisions as provided in the eighth section of the act to which this is a supplement; and that this act take effect from and after its passage.

Approved, February 3d, 1845.

JOINT RESOLUTION

Authorizing the County Courts to cause the Field Notes in the County Surveyor's Office to be transcribed in a well bound book.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the county courts of the counties of Houston and Jefferson, and such other counties as shall desire to avail themselves of the benefits of this joint resolution, may employ the county surveyors of their counties to transcribe the field notes of surveys or other records in their respective counties, in a well bound book.

Sec. 2. Be it further resolved, That the county surveyor shall be entitled to ten cents for every hundred words for making such record, together with the value of the book for such record, to be paid out of the county Treasury, upon the certificate of the clerk, after the claim has been audited and allowed by the county court.

Sec. 3. Be it further resolved, That it shall be the duty of the county surveyor, to certify under his official seal, that the said book contains a full and correct record of all the field notes in his office, and that duly authenticated copies from such record shall be received in evidence, in the same manner as though the record had been made as heretofore required by law.

Sec. 4. Be it further resolved, That this Joint Resolution take effect and be in force from and after its passage.

Approved, February 3d, 1845.

JOINT RESOLUTION

Proposing amendments to the Constitution.

ARTICLE FIRST.

Section 1. The Supreme Court of the Republic shall consist of a Chief Justice and two Associate Justices, who shall be elected by the Congress, in joint ballot of both Houses, and shall hold their offices for the term of six years.

Sec. 2. When a vacancy shall occur in the office of Chief or Associate Justice of the Supreme Court during the recess of Congress, the President of the Republic shall fill the same by appointment, until the next session of the Congress.

ARTICLE SECOND.

That the sixth section of the General Provision of the Constitution, is hereby so amended as to give to Congress the power to pass naturalization laws.

JOHN. M. LEWIS,
Speaker of the House of Representatives.

JOHN A. GREER,
President of the Senate, pro tem.

JOINT RESOLUTION

For the relief of Edward Teal.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Edward Teal, of San Augustine county be, and is hereby authorized to commence and prosecute, to final judgment, in the District or other Courts of competent jurisdiction, a suit against said Republic, on certificate No. 620, (number six hundred and twenty,) issued to Henry Hoover, for one league and labor of land, and another suit against said Republic, on certificate number six hundred and twenty, one issued to James Faddish, for one league and labor of land, by the Board of Land Commissioners of Shelby county; Provided, however, that said Teal shall be required to establish the genuineness of said certificates agreeably to the provisions of the act entitled an act supplementary to an act to detect fraudulent land certificates, and provide for issuing patents to legal claimants, approved, February fourth, one thousand eight hundred and forty-one; and provided, also, that said suits shall be commenced within six months from the passage of this resolution.

Sec. 2. Be it further resolved, That this Resolution take effect from its passage.

Approved, February 3d, 1845.

AN ACT

To Incorporate the Galveston Guards, City of Galveston.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That James Cronican, Joshua C. Shaw, Thomas J. Spear, J. W.

Benedict, J. K. Beaumont and J. M. Conrad and their associates and successors shall be, and they are hereby constituted a body politic and corporate, under the name and style of the "Galveston Guards," a light infantry corps, with power to sue and be sued, plead and be impleaded, answer and be answered unto, appear and prosecute to final judgment in any court or elsewhere; to have a common seal, with such device as they may adopt, to elect in whatever manner they choose, the officers necessary to command them as a volunteer corps, to establish by-laws for the government and regulation of their affairs, and the same to alter or amend at pleasure, and to hold real estate and personal property, and dispose of the same; Provided, however, such real estate and personal property shall at no time exceed ten thousand dollars in value, and that the said company shall never exceed fifty-six men, rank and file.

Sec. 2. Be it further enacted, That the said corps shall have power by their constitution and by-laws, to hold courts of enquiry and courts martial upon their own members, to try all violations of their own ordinances agreed upon by a majority of the members of the company, to suspend, expel and fine, not exceeding twenty-five dollars, those violating the constitutional laws of the said company.

Sec. 3. Be it further enacted, That the said corps shall be exempt from militia duty, except battalion and regimental reviews and inspection, on which occasion they shall join the regiment, and be subject to the commander of the regiment.

Sec. 4. Be it further enacted, That all fines imposed by a court martial, upon delinquents, or accruing under the constitution or by-laws of the said company, shall be collected upon a warrant, issued by the secretary, and countersigned by the commanding officer: the fines so collected shall belong to the company, except those imposed for absence from battalion or regimental musters, reviews and inspections, which shall, when collected, be paid into the regimental fund: the sheriff, or any constable, within the county of Galveston, is authorized and empowered to levy the warrant so issued as aforesaid, and coerce the payment, under the same law that governs the sheriff or constables in the execution of a civil process.

Sec. 5. Be it further enacted, That the officers commanding

said corps shall be one Captain, one first Lieutenant, one second Lieutenant and one third Lieutenant, who, after being duly elected by the said corps, shall be reported through the proper channel to the War Department, and be commissioned by the President, to serve during the time of their election.

Sec. 6. Be it further enacted, That drafts shall never be made from the said company, but it shall, however, be the duty of the corps to take the field, whenever a call of two hundred men is made in the regiment; Provided, however, that the said corps shall always be in readiness, whenever ordered by the commanding officer of the regiment, to suppress riots, insurrections or any insubordinations to the laws of the city or country, and in consideration of which, the members of the said corps shall be exempt from serving on jury.

Sec. 7. Be it further enacted, That the government is hereby required to supply the said corps with fifty-six muskets and apparatus complete, with knapsacks, cartridge boxes, and munitions of war: the company, in its corporate capacity, shall be responsible for the muskets, equipments and munitions of war.

Sec. 8. Be it further enacted, That this act of incorporation shall be and continue in force for and during the term of twenty years from and after its passage.

Approved, February 3d, 1845.

AN ACT

To provide for a revision of the Civil Laws, and for the formation of a Criminal Code.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it shall be the duty of the Attorney General to prepare a criminal code, and to revise, digest and arrange, under different heads, the General Laws of the Republic, both civil

and criminal, as required by the seventh section, in the General Provisions of the Constitution; and to submit the same, suggesting such amendments as may be deemed necessary and proper, accompanied by a suitable index, to the next Congress, with his report thereon.

Sec. 2. Be it further enacted, That the Attorney General shall be entitled to an equal salary with that of any of the Heads of Departments, during the year 1845, as compensation for such services: also, that he shall be entitled to the "franking privilege," in like manner as the Secretary of State; and that this act shall take effect from and after its passage.

Approved, February 3d, 1845.

AN ACT

To Charter the Nacogdoches University.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That an institution of learning be, and the same is hereby established in the town of Nacogdoches, in Nacogdoches county, to be denominated the Nacogdoches University.

Sec. 2. Be it further enacted, That the institution shall be under the control of a Board of Trustees, fifteen in number, a majority of whom shall constitute a quorum to do business, which Trustees shall be divided into two classes: the first class consisting of the following named persons, nine in number: W. W. Wingfield, Joseph D. Sharp, James H. Durst, Robert E. Wynne, Ambrose Crain, David Muckleroy, Wm. Hart, Bennett Blake and Charles S. Taylor, and the second class, of the following named persons, six in number: Thomas J. Rusk, James H. Starr, John M. Rector, T. Jeff. Houston, Solomon Wolf and Frost Thorn.

Sec. 3. Be it further enacted, That the said Trustees shall hold their offices as follows, viz: the first named three of the

first class, and the two first named of the second class for the term of two years from the passage of this act; and the next three of the first class, and the next two of the second class for the term of four years; and the last named three of the first class, and the two last named of the second class for the term of six years; and at the expiration of their terms of office, as provided in this section, the vacancies in the first class shall be filled by the Board of Trustees, at a meeting to be held for that purpose; and the vacancies in the second class, by the county court for Nacogdoches county: the Trustees thus appointed, to hold their offices for a period of six years from the date of their appointment: Provided, that any vacancy occurring during the intervals between the regular elections, shall be filled by the remaining members of the class of Trustees in which it occurs; the appointments thus made, to continue only until the period of a regular election, when all such vacancies shall be filled for the remainder of the unexpired terms: Provided, that the Trustees may, in all cases, continue in office until their successors are duly qualified, and a removal of a Trustee from the Republic, or his failure to attend the meetings of the Board of Trustees for one year, shall constitute a vacancy of his office.

Sec. 4. Be it further enacted, That the Trustees be, and they are hereby constituted a body politic and corporate, in deed and in law, by the name of the Trustees of "Nacogdoches University:" and by that name they and their successors shall and may have perpetual succession, and be capable, in law, to have and receive, and to enjoy to them and their successors, lands, tenements and hereditaments, and personal property of any kind whatsoever, and also all sums of money which may be given, granted or bequeathed to them for the purpose of promoting the interests of said institution: Provided, that the amount of property owned, at any one time, shall not exceed one hundred thousand dollars, over and above the building, library and apparatus necessary for the institution.

Sec. 5. Be it further enacted, That the Trustees of said institution shall and may have a common seal, for the business of themselves and their successors, with liberty to change and alter the same, from time to time, as they shall think proper, and that by their aforesaid name, they and their

successors shall, and may be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity in this Republic, and to grant, bargain, sell or assign, any lands, tenements goods or chattels now belonging to said University, or that may hereafter belong to the same; to construct all necessary buildings for the said institution; to establish a preparatory department, and a female department, and such other dependent institutions as they shall deem necessary; to have the management of the finances; privilege of electing their own officers; of appointing all necessary committees, and the power to act and do all things whatsoever, for the benefit of the said institution, in as ample a manner as any person or body politic can or may do by law.

Sec. 6. Be it further enacted, That whenever the funds and means of the institution in the opinion of the Trustees shall justify it, a medical and law department, or either of them may be appended thereto, with all the usual powers of such institutions.

Sec. 7. Be it further enacted, That the said Board of Trustees shall have power to appoint suitable officers, and to enact ordinances and by-laws for the government of the said institution: Provided, that such ordinances and by-laws are not in violation of the Constitution and laws of the Republic, to employ Professors and Teachers, and fix their salaries, and to prescribe the course of studies to be pursued in said institution in its various departments, it being specially understood that no religious, sectarian tenets or doctrines shall be inculcated in the course of instruction, and that the institution shall be equally open to the education of the children of persons of all classes, without regard to their religious belief.

Sec. 8. Be it further enacted, That the Trustees shall have a stated annual meeting at the time of conferring degrees, and the presiding officer of the Board of Trustees may call an occasional meeting of the Board, whenever it shall appear to him necessary.

Sec. 9. Be it further enacted, That the head of this institution shall be styled the "President; the male instructors thereof "Professors," and the head of the female department, the Principal of said department; and the President and Professors, or a majority of them, the faculty of "Nacogdo-

ches University," which faculty shall have the power of enforcing the ordinances and by-laws adopted by the Board of Trustees for the government of the students, but it shall only be in the power of a quorum of the Trustees, at their stated meetings, to expel any student or students of the said University.

Sec. 10. Be it further enacted, That the Trustees shall have full power, by the President or Professors of said University, to grant or confer such degree or degrees in the arts or sciences, to any of the students of the said University or persons by them thought worthy as are usually granted or conferred in other Colleges, to give diplomas or certificates thereof, signed by them and sealed with the common seal of the Trustees of the said University, to authenticate and perpetuate the memory of such graduation.

Section 11. Be it further enacted, That whenever a vacancy shall occur in the Presidency or any of the Professorships of the University, the Board of Trustees shall have the power to fill such vacancy.

Sec. 12. Be it further enacted, That the Board of Trustees shall have the power of removing any officer, professor or teacher of the institution, for what the said board may deem good cause, a majority of the whole number of Trustees always concurring in such removal.

Sec. 13. Be it further enacted, That the lands, public buildings and other property belonging to said University, are hereby declared to be free from any kind of public tax for five years.

Sec. 14. Be it further enacted, That no misnomer of the said University shall defeat or annul any gift, grant, devise or bequest to the same; provided, the intention of the donor be clear and apparent.

Sec. 15. Be it further enacted, That the Professors of said University shall not be eligible to act as Trustee or Trustees for the same, and in case any or either of the Trustees may hereafter be employed to discharge any of the duties in and about said University, he or they shall resign the station of Trustee or Trustees, before entering upon the duties assigned him or them.

Sec. 16. Be it further enacted, That when any law, rule or

resolution may be passed by the Board of Trustees at a regular or stated meeting of said Board, it shall not be competent for a called meeting of said Board to repeal or rescind such law, rule or resolution, unless there is a full board present.

Sec. 17. Be it further enacted, That this act shall continue in force twenty years, subject to renewal by Congress; and no alteration shall be made therein, except on petition of the whole number of Trustees.

Sec. 18. Be it further enacted, That this act shall be deemed a public one, and judicially taken notice of without special pleadings.

Sec. 19. Be it further enacted, That the four leagues of land granted to Ayuntamiento, or corporation of Nacogdoches, by the government of Coahuila and Texas, on the second day of May, A. D. one thousand eight hundred and thirty-three, be, and the same are hereby recognized by this government, and transferred and passed over to the Nacogdoches University, with the consent of the corporation of Nacogdoches; and the Commissioner of the General Land Office is hereby authorized and required to issue, in the name of the Trustees of the Nacogdoches University, certificates for the same, which may be surveyed in tracts of not less than one-fourth of a league, and patents shall issue on such surveys as in other cases.

Sec. 20. Be it further enacted, That nothing in this bill shall be so construed as to allow banking or any other privileges not contemplated in this charter.

Approved, February 3d, 1845.

JOINT RESOLUTION

For the relief of E. McLean.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and required to pay to Ephraim McLean, the sum of eighty-

seven dollars and sixty-two cents, in full payment for supplies purchased for his command, in April, one thousand eight hundred and forty-two; and that the same be paid out of any money in the Treasury not otherwise appropriated.

Sec. 2. Be it further resolved, That this Resolution take effect from and after its passage.

Approved, February 3d, 1845.

JOINT RESOLUTION

For the relief of George W., Charles and A. H. Sevier.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the cases now pending in Washington county, between the Republic of Texas and G. W. and Charles Sevier, for their headright claims be, and the same may be transferred, by the District Court, to the county of Robertson for hearing and trial.

Sec. 2. Be it further resolved, That A. H. Sevier is hereby authorized to prove up his headright claim in the District Court of Robertson county, in the aforesaid Republic.

Sec. 3. Be it further resolved, That this act take effect from and after its passage.

Approved, February 3d, 1845.

REPUBLIC OF TEXAS, }
Department of State. }

I, the undersigned, Attorney General and Acting Secretary of State of the Republic of Texas, do hereby certify that the regular session of the ninth Congress of said Republic, adjourned on the third day of February, A. D. one thousand eight hundred and forty-five.

Given under my hand and seal of office at Washington, the fourth
[L. s.] day of February, A. D., one thousand eight hundred and forty-five.

EBEN'R ALLEN.

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BY THE PRESIDENT OF THE REPUBLIC OF TEXAS.

PROCLAMATION:

To all and singular to whom these presents shall come—Greeting.

Whereas, a Treaty of Peace, Friendship and Commerce, between the Republic of Texas, and the Comanche, Keechie, Waco, Caddo, Ana-da-kah, Ionie, Delaware, Shawnee, Cherokee, Lipan, and Tah-wah-karro tribes of Indians, was concluded and signed at Tah-wah-karro Creek, on the ninth day of October, in the year of our Lord one thousand eight hundred and forty-four,—by Thomas I. Smith, J. C. Neill, and E. Morehouse, Commissioners on the part of the Republic of Texas, and certain Chiefs, Head men and Warriors, of the tribes of Indians aforesaid, on the part of said tribes,—which Treaty is in the following words, to wit:—

TREATY OF PEACE, FRIENDSHIP AND COMMERCE,

Between the Republic of Texas, and the Comanche, Keechie, Waco, Caddo, Ana-dah-kah, Ionie, Delaware, Shawnee, Cherokee, Lipan and Tah-wah-karro tribes of Indians, concluded and signed at Tah-wah-karro Creek, on the 9th day of October, in the year one thousand eight hundred and forty-four.

Whereas, in time past, hostilities have existed and war been

carried on between the white and red men of Texas, to the great injury of both; and whereas, a longer continuance of the same would lead to no beneficial result, but increase the evils which have so long unhappily rested upon the two races; and, whereas, both parties are now willing to open the path of lasting peace, friendship and trade, and are desirous to establish certain solemn rules, for the regulation of their mutual intercourse:

Therefore, the Commissioners of the Republic of Texas, and the Chiefs and Head men of the before mentioned tribes of Indians, being met in council at Tah-wah-karro Creek, on the 9th day of October, in the year 1844, have concluded, accepted, agreed to, and signed the following articles of Treaty:

Article 1. Both parties agree and declare, that they will forever live in peace, and always meet as friends and brothers. The Tomahawk shall be buried, and no more blood appear in the path between them, now made white. The Great Spirit will look with delight upon their friendship, and will frown in anger upon their enmity.

Art. 2. They further agree and declare, that the Government of Texas shall permit no bad men to cross the line into the hunting grounds of the Indians; and that if the Indians should find any such among them, they will bring him or them to some one of the agents, but not do any harm to his or their person or property.

Art. 3. They further agree and declare, that the Indians will make no treaty with any nation at war with the people of Texas; and also, that they will bring in and give up to some one of the agents of the Government of Texas, any and all persons who may go among them for the purpose of making or talking of war.

Art. 4. They further agree and declare, that if the Indians know of any tribe who may be going to make war upon the people of Texas, or steal their property, they will notify the whites of the fact through some one of the agents, and prevent such tribe or tribes from carrying out their intentions.

Art. 5. They further agree and declare, that the Indians shall no more steal horses or other property from the whites; and if any property should be stolen, or other mischief done

by the bad men among any of the tribes, that they will punish those who do so, and restore the property taken, to some one of the agents.

Art. 6. They further agree and declare, that the Indians will not trade with any other people than the people of Texas, so long as they can get such goods as they need at the trading-houses.

Art. 7. They further agree and declare, that the Government of Texas shall establish trading-houses for the convenience and benefit of the Indians, and such articles shall be kept for the Indian trade as they may need for their support and comfort.

Art. 8. They further agree and declare, that when peace is fully established between the white and the red people, and no more war or trouble exists, the Indians shall be supplied with powder, lead, guns, spears and other arms, to enable them to kill game and live in plenty.

Art. 9. They further agree and declare, that they will not permit traders to go among them, unless they are sent by the Government of Texas, or its officers.

Art. 10. They further agree and declare, that the Indians will not sell any property to the whites, except such as are authorized to trade with them by the Government of Texas.

Art. 11. They further agree and declare, that the President shall appoint good men to trade with the Indians at the trading-houses, so that they may not be cheated; and, also, that he shall appoint good men as agents, who will speak truth to the Indians, and bear their talks to him.

Art. 12. They further agree and declare, that if the trading-houses should be established below the line, to be run and marked, the Indians shall be permitted to cross the line, for the purpose of coming to trade.

Art. 13. They further agree and declare, that no whiskey or other intoxicating liquor, shall be sold to the Indians, or furnished to them upon any pretext, either within their own limits, or in any other place whatsoever.

Art. 14. They further agree and declare, that the Government of Texas shall make such presents to the Indians, as the President, from time to time, shall deem proper.

Art. 15. They further agree and declare, that the President may send among the Indians, such blacksmith and

other mechanics, as he may think best for their benefit; and, also, that he may send schoolmasters and families for the purpose of instructing them in a knowledge of the English language and Christian religion, as well as other persons to teach them how to cultivate the soil and raise corn.

Art. 16. They further agree and declare, that if the President should at any time send men among them to work mines, or agents to travel with them over their hunting-grounds, the Indians will treat them with friendship and aid them as brothers.

Art. 17. They further agree and declare, that, hereafter, if the Indians go to war, they will not kill women and children, or take them prisoners, or injure them in any way; and that they will only fight against warriors who have arms in their hands.

Art. 18. They further agree and declare, that they never will, in peace or war, harm any man that carries a white flag, but receive him as a friend, and let him return again to his people in peace.

Art. 19. They further agree and declare, that they will mutually surrender and deliver up all the prisoners which they have of the other party for their own prisoners; and that they will not be friendly with any people or nation, or enter into treaty with them, who will take prisoners from Texas, or do its citizens any injury.

Art. 20. They further agree and declare, that if ever hereafter, trouble should grow up between the whites and the Indians, they will immediately come with a white flag to some one of the agents, and explain to him the facts; and he will send a messenger to the President, who will remove all trouble out of the path between the white and the red brothers.

Art. 21. They further agree and declare, that there shall be a general council held once a year, where chiefs from both the whites and the Indians, shall attend. At the council, presents will be made to the chiefs.

Art. 22. They further agree and declare, that the President may make such arrangements and regulations with the several tribes of Indians, as he may think best for their peace and happiness.

The foregoing articles having been read, interpreted, and

And Various Indian Tribes.

▼

fully understood by the parties, they agree to and confirm the same, by sealing and signing their several names.

THOMAS I. SMITH, [SEAL.]

J. C. NEILL, [SEAL.]

E. MOREHOUSE, [SEAL.]

Commissioners on the part of Texas.

In presence of—

BENJAMIN SLOAT,

GEO. W. ADAMS,

ELI SMITH,

R. H. PORTER,

STEPHEN T. SLATER,

RO. WILSON,

JOHN F. TORREY,

J. E. SMITH.

WALTER WINN,

Secretary to Commissioners.

| | | | | | |
|--------------|----------------------|--------------------|------------|--------------------|------------|
| Comanches. | { Po-cha-na-qua-hip, | his † mark [L. s.] | War Chief. | | |
| | { Mome-pa-cha-co-pe, | his † mark [L. s.] | Chief. | | |
| | { Chom-o-pard-u-a, | his † mark [L. s.] | " | | |
| Keechies. | { Ano-hetch-tow-ee, | } | } | | |
| | { or White Plume, | | | his † mark [L. s.] | War Chief. |
| | { Te-car-ke-qua-che, | | | his † mark [L. s.] | Chief. |
| Wacoos. | { A-cah-quash, | his † mark [L. s.] | " | | |
| | { Nah-ash-tow-ee, | his † mark [L. s.] | " | | |
| | { or Lane Arm. | | | | |
| Caddoes. | { Chars-tus-cow-ow, | his † mark [L. s.] | " | | |
| | { Binchah, | his † mark [L. s.] | " | | |
| | { Red Bear, | his † mark [L. s.] | Speaker. | | |
| Anadahkah, - | Jose Maria, | his † mark [L. s.] | Chief. | | |
| Ionie, - - - | Bead Eye, | his † mark [L. s.] | " | | |
| Delawares, | { San Luis, | his † mark [L. s.] | " | | |
| | { Roasting Ear, | his † mark [L. s.] | " | | |
| Shawnee, - - | { Black Cat, | his † mark [L. s.] | " | | |
| | { Na-ka-wa, | his † mark [L. s.] | Captain. | | |
| Ta-wah-karro | { Cas-tilla, | his † mark [L. s.] | " | | |
| | { Te-ya-kar-ra, | his † mark [L. s.] | " | | |
| | { Codeh, | his † mark [L. s.] | " | | |
| Caddoes. | { Tah-win, | his † mark [L. s.] | " | | |
| | { Ish-sha-ho-mo, | his † mark [L. s.] | " | | |
| | { Cha-wah, | his † mark [L. s.] | " | | |
| | { Decatur, | his † mark [L. s.] | " | | |

| | | | |
|---------------|---------------------|--------------------|------------|
| Cherokee. - - | Ouks-tah-ha-la, | his † mark [L. s.] | Chief. |
| Lipans, | { Ramon Castro, | his † mark [L. s.] | " |
| | { Capitan Chico, | his † mark [L. s.] | " |
| | { Daniel G. Watson, | | |
| Interpreters. | | L. H. Williams, | |
| | | Jesse Chisholm, | his † mark |
| | | Luis Sanchez, | his † mark |
| | | James Shaw, | his † mark |
| | | Vincenti, | his † mark |
| | | John Conner, | his † mark |

Now, therefore, be it known, that I, ANSON JONES, President of the Republic of Texas, having seen and considered said Treaty, do, in pursuance of the advice and consent of the Senate, as expressed by their resolution of the twenty-fourth of January, one thousand eight hundred and forty-five, accept, ratify, and confirm the same; and every clause and article thereof.

[L. s.] In testimony whereof, I have hereunto set my hand and caused the Great Seal of the Republic to be affixed. Done at Washington, this fifth day of February, in the year of our Lord one thousand eight hundred and forty-five, and of the Independence of the Republic the ninth.

ANSON JONES.

By the President:

ASHBEL SMITH, Secretary of State.

L A W S

PASSED AT THE

EXTRA SESSION OF THE NINTH CONGRESS

OF THE

REPUBLIC OF TEXAS

PUBLISHED BY AUTHORITY.

WASHINGTON.
1845

LAWS

OF THE

REPUBLIC OF TEXAS.

JOINT RESOLUTION

Tendering to General Andrew Jackson, the tribute of a nation's gratitude.

Whereas, by the many valuable and important services rendered throughout a long and useful life, by Major General Andrew Jackson, to the cause of civil and religious liberty, he justly enjoys and is entitled to the love and admiration of all his species,
—Therefore,

Resolved, by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in the name and in behalf of the people of the Republic of Texas, we hereby tender to General ANDREW JACKSON, the unfeigned gratitude of a nation.

Be it further resolved, That the President of the Republic of Texas is hereby requested to transmit to General Jackson, to his Excellency the President of the United States, and to the Governors of each of the States and Territories of the American Union, a copy of this joint resolution.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 21, 1845.

ANSON JONES.

JOINT RESOLUTION

Giving the consent of the existing Government to the annexation of Texas to the United States.

Whereas, the Government of the United States hath proposed the following terms, guarantees, and conditions, on which the People and Territory of the Republic of Texas may be erected into a new State, to be called the State of Texas, and admitted as one of the States of the American Union, to wit:

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, Congress doth consent that the Territory properly included within and rightfully belonging to the Republic of Texas may be erected into a new State, to be called the State of Texas, with a Republican form of Government, to be adopted by the people of said Republic, by deputies in Convention assembled, with the consent of the existing Government, in order that the same may be admitted as one of the States of this Union.

“2. And be it further resolved, That, the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit:

“First. Said State to be formed subject to the adjustment by this Government of all questions of boundary that may arise with other Governments, and the Constitution thereof, with the proper evidence of its adoption, by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six.

“Second. Said State when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy-yards, docks, magazines, arms, armaments and all other property and means pertaining to the public defence, belonging to the said Republic of Texas; shall retain all the public funds, debts, taxes, and dues of every kind which may belong to or be due and owing said Republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment

of the debts and liabilities of said Republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States.

Third. New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited."

And whereas, by said terms, the consent of the existing government of Texas is required—Therefore,

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That, the Government of Texas doth consent, that the People and Territory of the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a Republican form of Government, to be adopted by the people of said Republic, by Deputies in Convention assembled, in order that the same may be admitted as one of the States of the American Union, and said consent is given on the terms, guarantees and conditions set forth in the Preamble to this Joint Resolution.

Sec. 2. Be it further resolved, That, the Proclamation of the President of the Republic of Texas, bearing date May fifth, eighteen hundred and forty-five, and the election of Deputies to set in Convention, at Austin, on the fourth day of July next for the adoption of a Constitution for the State of Texas, had in accordance therewith, hereby receives the consent of the existing Government of Texas.

Sec. 3. Be it further resolved, That, the President of Texas is hereby requested immediately to furnish the Government of the United States, through their accredited Minister near this Government, with a copy of this Joint Resolution;

also to furnish the Convention to assemble at Austin, on the fourth of July next, a copy of the same—And the same shall take effect from and after its passage.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 23, 1845.

ANSON JONES.

AN ACT

Making appropriations to defray the expenses of the Convention and granting the members thereof the franking privilege.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the members of the Convention, elected on the basis recommended by the President for the purpose of framing a Constitution, preparatory to the admission of Texas into the American Union, be, and they are hereby entitled to the same pay and mileage as members of Congress are now entitled to, by law; and such officers as the Convention may deem necessary to elect shall be entitled to the same pay as similar officers of the House of Representatives.

Sec. 2. Be it further enacted, That the members of said Convention shall be entitled to the franking privilege, and all other privileges secured by the Constitution or laws to members of Congress.

Sec. 3. Be it further enacted, That a sufficient amount of money is hereby appropriated to pay the expenses above contemplated and such necessary contingent expenditures as may be voted by said Convention; which amounts shall be paid by the Treasurer, on the joint warrant of the President and Secretary of said Convention.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 23d, 1845.

ANSON JONES.

JOINT RESOLUTION

Acknowledging the claims of L. S. Hargous and others.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That, the claims of L. S. Hargous of Vera Cruz, for the sum of nine thousand six hundred and forty dollars, and of G. B. Lamar of Savannah, for one thousand and forty dollars, for advances made to the Texian Santa Fe prisoners, be, and the same are hereby acknowledged to be justly due to them or their legal representatives; and that the amounts, respectively due each of them, ought to be paid as early as may be practicable and convenient.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 24, 1845.

ANSON JONES.

JOINT RESOLUTION

For the relief of T. Jefferson Chambers.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That, the Secretary of the Treasury, be, and he is hereby authorized and required to issue drafts, receivable in direct taxes, in favor of T. Jefferson Chambers or order, for four hundred and forty-four dollars and twenty-five cents, to be divided in convenient sums not less than fifty dollars; and that this Joint Resolution go into effect from and after its passage.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 24, 1845.

ANSON JONES.

AN ACT

To establish certain Mail Routes therein named and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a Mail Route be, and hereby is established, from Bexar in the county of Bexar, to the town of Laredo, on the East bank of the Rio Grande; and from Corpus Christi, in the county of San Patricio, to Point Isabel, near the mouth of the Rio Grande.

Sec. 2. Be it further enacted, That all of that part of the Republic lying between the Nueces and the Rio Grande rivers, from the Gulf to the Northerly line of the Republic, not now embraced within the defined limits of any county, be, and is hereby added to the county of San Patricio; and that this act take effect from and after its passage.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 24th, 1845.

ANSON JONES.

AN ACT

Requiring the Commissioner of the General Land Office to issue Patents in certain cases.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue patents to all

persons otherwise legally entitled to the same, notwithstanding the lands for which said patents are or may hereafter be demanded may be within the limits designated in the colonization contract made on the twenty-ninth day of January, one thousand eight hundred and forty-four, between Sam Houston, then President of the Republic of Texas, acting in behalf of the Republic, and Charles Fenton Mercer and his associates: Provided, the locations or surveys in pursuance of which said patents are or may be demanded, were filed in the office of County Surveyor in which said lands may be, or made by his direction, previous to notice to said Surveyor of the existence and territorial limits of said contract of colonization: Provided further, that nothing herein contained shall be so construed as to declare that any certificate located within any colony limits, is not as valid as if located upon any of the vacant domain of the Republic.

Sec. 2. Be it further enacted, That the official certificate or certificates of said surveyor or surveyors, shall be sufficient evidence to the Commissioner of the General Land Office of the receipt of said information or notice by said surveyor or surveyors in the first section of this act mentioned.

Sec. 3. Be it further enacted, That this act. take effect from and after its passage.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 25, 1845.

ANSON JONES.

AN ACT

Allowing the Commissioner of the General Land Office two additional Clerks.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land office of this Republic be authorized to employ two additional Clerks, until

the fifteenth day of January next, and that a sum sufficient to pay the salaries of the same be and the same is hereby appropriated; and that this act take effect from and after its passage.

JOHN M. LEWIS,

Speaker of the House of Representatives.

K. L. ANDERSON,

President of the Senate.

Approved, June 25th, 1845.

ANSON JONES.

AN ACT

Making an appropriation to defray the expenses of the extra session of the ninth Congress.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of Three Thousand Five Hundred Dollars be, and the same is hereby appropriated for the pay and mileage of the Members, pay of the officers of both Houses, and contingent expenses of both Houses of Congress.

Sec. 2. Be it further enacted, That the unexpended balance of the above appropriation, after paying the expenses therein contemplated, shall be returned into the Treasury of the Republic; and this act shall take effect from and after its passage.

JOHN M. LEWIS,

Speaker of the House of Representatives.

K. L. ANDERSON,

President of the Senate.

Approved, June 25th, 1845.

ANSON JONES.

AN ACT

Authorizing the county commissioners of Galveston county to license a ferry from Galveston to Point Bolivar.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the county commissioners of Galveston county, be, and they are hereby authorized and empowered, to license a ferry from Galveston city to Point Bolivar, for a term not exceeding five years, subject to the renewal or repeal by Congress.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 25, 1845.

ANSON JONES.

JOINT RESOLUTION

Relative to the introduction of United States troops into Texas and for other purposes.

Whereas, the Government of the United States having passed Resolutions by which Texas may be annexed and incorporated into the American Union; And, whereas, the people of Texas have in their primary capacity, with a unanimity unexampled in the history of the world, expressed their desire and willingness to accept said terms, and have elected delegates to meet in Convention for the purpose of forming a republican State Constitution in accordance with that of the

United States; And, whereas, there are many tribes of Indians, belonging to the United States of America, located within and adjacent to the territory of Texas; Therefore, for the security and tranquility of our frontier,

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it shall be the duty of the Executive of this Republic to invite the Executive of the United States, through their representative near this government, to occupy without delay the frontier of this Republic with such troops as may be necessary for its defence.

Sec. 2. Be it further resolved, That the President be, and he is hereby, authorized and required to call into service the militia, or a sufficient volunteer force of Texas, or so much thereof as he may deem expedient, (in addition to the forces already in service) in case it may be necessary to repel any Mexican troops that may invade, or that may hereafter attempt to invade the territory of the Republic, as defined by our statute.

Sec. 3. Be it further resolved, That this joint resolution take effect from its passage.

JOHN M. LEWIS,

Speaker of the House of Representatives.

K. L. ANDERSON,

President of the Senate.

Approved, June 26th, 1845.

ANSON JONES.

AN ACT

To alter the time for the meeting of the annual sessions of Congress.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the annual sessions of the Congress of this Republic shall, hereafter, commence on the second Monday in May, any law now in existence to the contrary notwithstanding.

Sec. 2. Be it further enacted, That such of the appropriations of the regular session of the ninth Congress, except appropriations for foreign legations, as the President may deem necessary, and cannot be dispensed with, are hereby extended, pro rata, to the second Monday in May, A. D., eighteen hundred and forty-six, or until the incorporation of Texas as a State of the United States; and this act shall take effect from and after its passage.

JOHN M. LEWIS,

Speaker of the House of Representatives.

K. L. ANDERSON,

President of the Senate.

Approved, June 26, 1845.

ANSON JONES.

JOINT RESOLUTION

Granting further time for the payment of Government dues and the return of field notes.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the provisions of a Joint Resolution, approved November twenty-seventh eighteen hundred and forty one granting further time for the payment of Government dues and the return of field notes, be and the same is hereby extended and declared in force until the first day of January A. D. eighteen hundred and forty eight; and this Joint Resolution take effect from and after its passage.

JOHN M. LEWIS,

Speaker of the House of Representatives.

K. L. ANDERSON,

President of the Senate.

Approved, June 26, 1845.

ANSON JONES.

JOINT RESOLUTION.

Suspending the operation of An Act entitled, "An Act authorizing any holder of Promissory notes, bonds, funded debt, or any other liquidated claims against the Government, to surrender the same and receive in lieu thereof Land Scrip."

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the provisions of the above recited act passed and approved on the fifth day of February A. D. eighteen hundred and forty-one, be, and the same are hereby declared to be suspended until the further action of Congress; and that this Joint Resolution take effect from and after its passage.

JOHN M. LEWIS,

Speaker of the House of Representatives.

K. L. ANDERSON,

President of the Senate.

Approved, June 26, 1845.

ANSON JONES.

JOINT RESOLUTION

Making an appropriation for the redemption of John Parker, a prisoner amongst the Indians.

Whereas, information has reached this place that a certain white boy by the name of John Parker, is now a prisoner in the hands of the Keechi tribe of Indians; and whereas, humanity requires that he should be restored to the bosom of his friends;

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Treasurer of the Republic be, and he is hereby, required to pay to the Hon. Isaac Parker, the sum of three hundred dollars, to be by him applied to the redemption of the said above named boy; and that the said sum be drawn from the appropriation for Indian purposes, made by the general appropria-

tion act, passed the first day of February eighteen hundred and forty-five.

Sec. 2. Be it further resolved, That the said Isaac Parker shall be responsible to the Government for said sum, Provided, it should not be applied as intended by this joint resolution; and that this joint resolution take effect from and after its passage.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 27th, 1845.

ANSON JONES.

AN ACT

Supplementary to an act making an appropriation for the pay of members of the Convention, and granting them the franking privilege.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the act to which this is a supplement, and this act, shall take effect from and after its passage.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 27, 1845.

ANSON JONES.

JOINT RESOLUTION

To establish a Mail Route between Galveston and New Orleans.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of State be, and he is hereby, authorized to contract with any Texian vessel, plying between the above named ports, for carrying the public mail; Provided, the compensation for said contract shall not exceed one half the amount of tonnage duties on said vessel; and that this joint resolution take effect from and after its passage.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 27th, 1845.

ANSON JONES.

AN ACT

Supplementary to an act, entitled, "An act to restore lands sold for taxes to the former owners," approved January eighteenth, one thousand eight hundred and forty-five.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the provisions of the above recited Act are hereby extended to all those whose lands have been sold for taxes between the year one thousand eight hundred and forty-four and the date of this act.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 27, 1845.

ANSON JONES.

AN ACT

Supplementary to an act supplementary to an act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all persons captured and detained by the Mexicans, as prisoners of war, in the years of our Lord one thousand eight hundred and forty-one and two, their heirs and legal representatives, shall have until the first day of January, in the year one thousand eight hundred and forty-seven to commence the suits contemplated by the first section of the act to which this is a supplement, any law or laws contrary thereto notwithstanding.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 27, 1845.

ANSON JONES.

JOINT RESOLUTION

For the relief of David F. Webb.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the provisions of a joint resolution for the relief of Francis Hughes, John C. Baker, Henry Wicks, G. B. Pilant, G. W. Trieghen and Henry W. Augustine, who were permanently disabled in the service of the country, approved, February 1st one thousand eight hundred and forty-five, be, and the same are hereby extended to David F. Webb, of San Augustine county.

Sec. 2. Be it further resolved, That the act to which this is supplementary, be so amended, as to read John R. Baker, instead of John C. Baker, and G. W. Trahern, instead of G. W. Treighen; and that this joint resolution take effect from and after its passage.

JOHN M. LEWIS,

Speaker of the House of Representatives.

K. L. ANDERSON,

President of the Senate.

Approved, June 27th, 1845.

ANSON JONES.

AN ACT

Additional to "an act to regulate the proceedings in civil suits," approved fifth of February, eighteen hundred and forty.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in all suits hereafter to be brought to recover the price or value of any goods, wares or merchandize hereafter imported, or notes given for the same, the fact that such goods, wares or merchandize were imported or introduced into the Republic without payment of the lawful duties, or in violation of any revenue law thereof, may be pleaded in defence, and if established, shall constitute a legal and valid defence in all such suits.

Sec. 2. Be it further enacted, That in cases where such defence shall be pleaded and interrogatories propounded, and also in cases when any civil action shall, hereafter, be brought to recover duties not paid, the party so charged or impleaded shall not be liable to any criminal prosecution for the same offence or non-payment; and that this act shall take effect from and after its passage.

JOHN M. LEWIS,

Speaker of the House of Representatives.

K. L. ANDERSON,

President of the Senate.

Approved, June 27th, 1845.

ANSON JONES.

JOINT RESOLUTION

For the relief of certain disabled seamen, landsmen, and marines.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a sufficient sum of money be, and the same is hereby appropriated, to enable the following disabled seamen, marines and landsmen, wounded in the actions of April thirtieth and sixteenth of May eighteen hundred and forty-three, off the coast of Yucatan, or such of them as may be yet living, to receive the one half of what would be the full pay of each of the hereinafter named individuals, according to his respective station at the time of being so wounded, as provided for, in two acts, passed February second and fifth, eighteen hundred and forty-four, viz:—Dick Streachout, Thomas Atkins, John Norris, Thomas Barnet, George Davis, James Brown and Terance Rogan.

Sec. 2. Be it further resolved, That this Joint Resolution take effect and be in force from and after its passage.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 28, 1845.

ANSON JONES.

AN ACT

To alter the time of holding the District Courts in the seventh Judicial District.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the time of holding the District Court in the seventh Judicial District, shall be as follows, to wit:—For the county of Fannin, on the first Monday's of March and September, and may continue in session two weeks. In the county of Lamar, on the third Monday's of March and September, and may continue in session two weeks. In the county of Red River, on

the first Monday's after the fourth Monday's in March and September, and may continue in session two weeks. In the county of Bowie, on the third Monday's after the fourth Monday's of March and September, and may continue in session two weeks; and in the county of Harrison, the fifth Monday's after the fourth Monday's of March and September, and may continue in session until the business shall be disposed of.

Sec. 2. Be it further enacted, That all writs petitions and other process or proceedings, returnable at any other time, or to any other term, than such as is fixed by this law, shall be returnable and triable at the times fixed by this act.

Sec. 3. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act be, and they are hereby repealed, and that this act take effect from and after its passage.

JOHN M. LEWIS,

Speaker of the House of Representatives.

JOHN A GREER,

President of the Senate, pro tem.

Approved, June 28, 1845.

ANSON JONES.

JOINT RESOLUTION

Authorising the further issuance of Exchequer Bills.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized to re-issue an amount not exceeding ten thousand dollars of the Exchequer Bills now in the Treasury, or which may hereafter be received therein, for the purpose of defraying the appropriations made by this Congress.

Sec. 2. Be it further resolved, That this joint resolution take effect from and after its passage.

JOHN M. LEWIS,

Speaker of the House of Representatives.

JOHN A GREER,

President of the Senate, pro tem.

Approved, June 28th, 1845.

ANSON JONES.

AN ACT

To prescribe the mode of authenticating foreign judgments and to limit suits thereon.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in all actions on foreign judgments the only mode of authentication valid in the courts of this Republic shall be as follows:—

1st. All judgments rendered in any state court of any one of the United States of North America, shall be certified by the Clerk of the Court under seal in which the judgment was rendered, a true and correct copy of the record, with the certificate of the presiding Judge, that the person purporting to be Clerk is such Clerk, and authorized to give copies, and with the further certificate of the Governor of the State, of the official character of the Judge and Clerk, with the seal of State, and the further certificate of the President of the United States, under the great seal, of the official character of the Governor, to all which certificates there shall in addition be the certificate of a Consul of this Republic as to the official character of the President. 2d, All judgments in any court under the Government of the United States, and established by the Constitution and Laws of the same, shall have attached thereto the certificates of the Clerk and Judge of the Court, and the President of the United States, also that of a Texian Consul, all under seal. 3d, All judgments of any other foreign tribunal other than those above named shall be under the certificates of the Judge and Clerk of the Court the Chief Executive Government of the country, and a Consul of the Republic.

Sec. 2. Be it further enacted, That no suit shall be allowed to be brought or be received by the Clerk, until a copy of the foreign judgment authenticated as aforesaid, shall be filed with the petition, and all costs likely to accrue together with a tax fee of twenty-five dollars cash, for the use of this Republic, be paid to the Clerk of the Court, and any suit brought without a strict compliance with the provisions of this section, shall be held as if never brought, and without the pale of amendment or correction.

Sec. 3. Be it further enacted, That foreign judgments authenticated as aforesaid, shall be regarded as prima facie evidence only, and open to all defences that might have been used at any time before judgment.

Sec. 4. Be it further enacted, That all foreign judgments, decrees and adjudications upon which suit shall be brought in the Courts of this Republic, should the same be of four years standing and upwards, shall be forever barred and prescribed, unless sued on in sixty days from and after the passage of this act. Those under four and over two years, unless sued on in six months; and those under two years, unless sued on in one year. Provided, the original cause of action shall remain unimpaired, and may be sued on at the election of the creditor subject to prescription.

Sec. 5. Be it further enacted, That in all suits or judgments by foreign banking or money corporations, not only shall the costs be first paid as prescribed above, but the act, or copy of the act, of incorporation shall be authenticated as provided for in the first section of this act, according to the divisions of said first section. And in addition thereto the corporation if plaintiff, or its assignee, shall prove that a strict and literal compliance was had with the charter in putting the corporation into operation, and the provisions of this section shall apply as well to suits already pending as those hereafter to be brought.

Sec. 6. Be it further enacted, That this act take effect from and after its passage.

JOHN M. LEWIS,
Speaker of the House of Representatives.

JOHN A GREER,
President of the Senate, pro tem.

Approved, June 28, 1845.

ANSON JONES.

REPUBLIC OF TEXAS, }
Department of State. }

I, the undersigned, Secretary of State of the Republic of Texas, do hereby certify that a Special Session of the Ninth Congress, convened at Washington, on the 16th of June, A. D. one thousand eight hundred and forty-five, and adjourned on the 28th day of June, A. D. one thousand eight hundred and forty-five.

[L. s.] Given under my hand and seal of office at Washington, the thirtieth day of June, A. D. one thousand eight hundred and forty-five.

EBEN'R. ALLEN.



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NINTH CONGRESS—REPUBLIC OF TEXAS.

EXTRA SESSION.

JOINT RESOLUTION

Giving the consent of the existing Government to the annexation of Texas to the United States.

Whereas, the Government of the United States hath Preamble. proposed the following terms, guarantees, and conditions, on which the people and territory of the Republic of Texas may be erected into a new State, to be called the State of Texas, and admitted as one of the States of the American Union, to wit:

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress doth consent that the territory properly included within, and rightfully belonging to the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of Government, to be adopted by the people of said Republic, by deputies in Convention assembled, with the consent of the existing Government, in order that the same may be admitted as one of the States of this Union. Consent of Congress given to annexation of Texas as a State.

“2. And be it further resolved, That the foregoing Conditions and guarantees. consent of Congress is given upon the following conditions, and with the following guarantees, to wit:

Boundaries to be adjusted by U. States.

State Constitution to be adopted and presented.

What to be ceded to the U. States.

What to be retained.

Public debt of Texas not to become a charge upon the U. States.

New States may be formed out of Texian territory.

Missouri Compromise Line established.

"First. Said State to be formed, subject to the adjustment by this Government of all questions of boundary that may arise with other Governments; and the Constitution thereof, with the proper evidence of its adoption, by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six.

"Second. Said State, when admitted into the Union, after ceding to the United States, all public edifices, fortifications, barracks, ports and harbors, navy and navy-yard, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence, belonging to the said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind, which may belong to or be due and owing said Republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States.

Third. New States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery, or involuntary servitude, (except for crime), shall be prohibited."

And whereas, by said terms, the consent of the existing government of Texas is required—Therefore,

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the government of Texas doth consent, that the People and territory of the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of Government, to be adopted by the People of said Republic, by Deputies in Convention assembled, in order that the same may be admitted as one of the States of the American Union; and said consent is given on the terms, guarantees, and conditions set forth in the Preamble to this Joint Resolution.

Consent of Texas given to annexation as a State.

Sec. 2. Be it further resolved, That the proclamation of the President of the Republic of Texas, bearing date May fifth, eighteen hundred and forty-five, and the election of Deputies to sit in Convention, at Austin, on the fourth day of July next, for the adoption of a Constitution for the State of Texas, had in accordance therewith, hereby receives the consent of the existing Government of Texas.

Consent given to President's proclamation calling convention, and the election of deputies thereto.

Sec. 3. Be it further resolved, That the President of Texas is hereby requested immediately to furnish the Government of the United States, through their accredited Minister near this Government, with a copy of this Joint Resolution; also to furnish the Convention to assemble at Austin, on the fourth of July next, a copy of the same—And the same shall take effect from and after its passage.

President to furnish American Minister, and Convention, with copy of this Joint Resolution.

JOHN M. LEWIS,

Speaker of the House of Representatives.

K. L. ANDERSON,

President of the Senate.

Approved, June 23, 1845.

ANSON JONES.

IN CONVENTION OF THE PEOPLE OF THE RE-
PUBLIC OF TEXAS JULY 4, 1845.

AN ORDINANCE.

Preamble rec-
iting the offi-
cial action of
the Congress
and President
of the United
States and of
the President
and Congress
of Texas, in
regard to an-
nexation.

Whereas the Congress of the United States of America has passed resolutions providing for the annexation of Texas to that Union, which resolutions were approved by the President of the United States on the first day of March one thousand eight hundred and forty-five; and whereas the President of the United States has submitted to Texas the first and second sections of the said resolution, as the basis upon which Texas may be admitted as one of the States of the said Union; and whereas the existing government of the Republic of Texas has assented to the proposals thus made, the terms and conditions of which are as follows,

JOINT RESOLUTION FOR ANNEXING TEXAS
TO THE UNITED STATES.

Consent of
Congress giv-
en to annexa-
tion as a State.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress doth consent, that the territory, properly included within, and rightfully belonging to the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic, by deputies in convention assembled, with the consent of the existing government, in order that the same may be admitted as one of the States of this Union.

Conditions and
guarantees.

2nd. And be it further resolved, That the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit: First, Said State to be formed, subject to the adjustment by this government, of all questions of boundary that may arise with other governments;

Boundaries to
be adjusted by
the U. States.

and the Constitution thereof with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six.

State Constitution to be adopted and presented.

Second, Said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks, magazines, arms and armaments, and all other property and means pertaining to the public defence belonging to the said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind, which may belong to or be due & owing to the said Republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the government of the United States.

What to be ceded to the U. States.

What to be retained.

Third, New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such states as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri Compromise Line, shall be admitted into the Union, with or without slavery, as the people of each State, asking admission may desire. And in such State or States, as shall be formed out of said territory; north of said Missouri Compromise Line, slavery or involuntary servitude (except for crime) shall be prohibited.

Public debt of Texas.

New States may be formed out of Texian territory.

Missouri Compromise Line established.

Now, in order to manifest the assent of the people of this Republic as required in the above recited portions of the said resolutions; We the deputies

In Convention of Texas.

of the people of Texas in convention assembled in their name and by their authority, do ordain and declare, that we assent to, and accept the proposals, conditions and guarantees contained in the first and second sections of the resolution of the Congress of the United States aforesaid.

Done at the city of Austin, Republic of Texas July 4th 1845

THO. J. RUSK, President.

PHIL. M. CUNY
H. G. RUNNELS
ROBERT M. FORBES
SAM. LUSK
JNO. CALDWELL
JOSE ANTONIO NAVARRO
GEO. WM. BROWN
GUSTAVUS A. EVERTS
LEMUEL DALE EVANS
J. B. MILLER
R. E. B. BAYLOR
J. S. MAYFIELD
R. BACHE
JAMES LOVE
WM. L. HUNTER
JOHN D. ANDERSON
ISAAC PARKER
P. O. LUMPKIN
FRANCIS MOORE, JR.
ISAAC W. BRASHEAR
ALEXANDER MCGOWAN,
ISAAC VAN ZANDT
S. HOLLAND
EDWARD CLARK
GEO. W. SMYTH
JAMES ARMSTRONG
JOHN M. LEWIS
JAMES SCOTT
ARCHIBALD McNEILL
A. C. HORTON
ISRAEL STANDEFER

JOS. L. HOGG,
CHAS. S. TAYLOR
DAVID GAGE
HENRY J. JEWETT
CAVITT ARMSTRONG
JAMES POWER
ALBERT H. LATIMER
WM. C. YOUNG
J. PINCKNEY HENDERSON
NICHOLAS H. DARNELL
EMERY RAINS
A. W. O. HICKS
JAMES M. BURROUGHS
H. L. KINNEY
WILLIAM L. CAZNEAU
A. S. CUNNINGHAM
ABNER S. LIPSCOMB
JOHN HEMPHILL
VAN R. IRION
VOLNEY E. HOWARD
E. H. TARRANT
FRANCIS M. WHITE
JAMES DAVIS
GEORGE T. WOOD
G. W. WRIGHT
H. R. LATIMER
W. B. OCHILTREE
OLIVER JONES
B. C. BAGBY
CHS. BELLINGER STEW-
ART
Attest

JAS. H. RAYMOND,
Secretary of the Convention.

THE

DECLARATION OF INDEPENDENCE

AND

ARTICLES OF CONFEDERATION

AND

CONSTITUTION OF UNITED STATES

1789

DECLARATION OF INDEPENDENCE.

JULY 4TH, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitled them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these, are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.—Such has been the patient sufferance of these colonies, and such

is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world:—

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly for opposing with manly firmness his invasion on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise—the state, remaining, in the meantime, exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these states—for that purpose obstructing the laws of naturalization of foreigners, refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harrass our people and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws—giving his assent to their acts of pretended legislation.

For quartering large bodies of armed troops among us;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states;

For cutting off our trade with all parts of the world;

For imposing taxes on us without our consent;

For depriving us, in many cases, of the benefits of trial by jury;

For transporting us beyond seas to be tried for pretended offences.

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments.

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here by declaring us out of his protection and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts, by their legislature, to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare that these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

The foregoing declaration was, by order of Congress, engrossed and signed by the following members:

JOHN HANCOCK.

NEW HAMPSHIRE.

JOSIAH BARTLETT,
WILLIAM WHIPPLE,
MATTHEW THORNTON,

MASSACHUSETTS BAY.

SAMUEL ADAMS,
JOHN ADAMS,
ROBERT TREAT PAINE,
ELBRIDGE GERRY.

RHODE ISLAND.

STEPHEN HOPKINS,
WILLIAM ELLERT.

CONNECTICUT.

ROGER SHERMAN,
SAMUEL HUNTINGTON,
WILLIAM WILLIAMS,
OLIVER WOLCOTT.

NEW YORK.

WILLIAM FLOYD,
PHILIP LIVINGSTON,
FRANCIS LEWIS,
LEWIS MORRIS.

NEW JERSEY.

RICHARD STOCKTON,
JOHN WITHERSPOON,
FRANCIS HOPKINSON,

JOHN HART,
ABRAHAM CLARK.

PENNSYLVANIA.

ROBERT MORRIS,
BENJAMIN RUSH,
BENJAMIN FRANKLIN,
JOHN MORTON,
GEORGE CLYMER,
JAMES SMITH,
GEORGE TAYLOR,
JAMES WILSON,
GEORGE ROSS.

DELAWARE.

CÆSAR RODNEY,
GEORGE READ,
THOMAS M'KEAN.

MARYLAND.

SAMUEL CHASE,
WILLIAM PACA,
THOMAS STONE,
CHARLES CARROLL,
of Carrolton.

VIRGINIA.

GEORGE WYTHE,
RICHARD HENRY LEE,
THOMAS JEFFERSON,
BENJAMIN HARRISON,
THOMAS NELSON, JR.,
FRANCIS LIGHTFOOT LEE,
CARTER BRAXTON.

NORTH CAROLINA.

**WILLIAM HOOPER,
JOSEPH HEWES,
JOHN PENN.**

**THOMAS HEYWARD, JR.,
THOMAS LYNCH, JR.,
ARTHUR MIDDLETON.**

GEORGIA.**SOTTH CAROLINA.**

EDWARD RUTLEDGE,

**BUTTON GWINNETT,
LYMAN HALL,
GEORGE WALTON.**

ARTICLES OF CONFEDERATION.

To all to whom these presents shall come, we, the undersigned, delegates of the States affixed to our names, send greeting.

Whereas, the delegates of the United States of America in Congress assembled did, on the fifteenth day of November, in the year of our Lord one thousand seven hundred and seventy-seven, and in the second year of the independence of America, agree to certain articles of confederation and perpetual Union between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, viz:—

Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

Article 1. The style of this confederacy shall be, "The United States of America."

Article 2. Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States in Congress assembled.

Article 3. The said states hereby severally enter into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare; binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

Article 4. The better to secure and perpetuate mutual

friendship, and intercourse among the people of the different states in this Union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from justice, excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state to any other state, of which the owner is an inhabitant: provided also, that no imposition, duties, or restriction, shall be laid by any State on the property of the United States or either of them.

If any person guilty of or charged with treason, felony or other high misdemeanor, in any state, shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts and judicial proceedings of the courts and magistrates of every other state.

Article 5. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each state shall direct to meet in Congress on the first Monday in November, in every year, with a power reserved to each state to recall its delegates or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No state shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emoluments of any kind.

Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the United States in Congress assembled, each state shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrest and imprisonments, during the time of their going to and from and attendance on Congress, except for treason, felony, or breach of the peace.

Article 6. No State without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince, or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office or title of any kind whatever, from any king, prince, or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation, or alliance whatever, between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into and how long it shall continue.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties entered into by the United States in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessel-of-war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the United States in Congress assembled for the defence of such state or its trade; nor shall any body of forces be kept up by any state in time of peace, except such number only as in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and have constantly ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No state shall engage in any war without the consent of the United States in Congress assembled, unless such state be actually invaded by enemies or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit

of a delay till the United States in Congress assembled can be consulted; nor shall any state grant commissions to any ships or vessels-of-war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such state be infested by pirates, in which case vessels-of-war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

Article 7. When land forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively, by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

Article 8. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each state granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states, within the time agreed upon by the United States in Congress assembled.

Article 9. The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances; provided, that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever—of establishing rules for deciding in all cases, what captures on land or water shall be legal, and

in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated—of granting letters of marque and reprisal in times of peace—appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures: provided, that no member of Congress shall be appointed a judge of any of the said courts.

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: whenever the legislative or executive authority or lawful agent of any state in controversy with another shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties, by their lawful agents, who shall then be directed to appoint by joint consent commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each state, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear, or defend their claim or

cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings, being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward:" provided also, that no state shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil, claimed under different grants of two or more states, whose jurisdiction as they may respect such lands and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The United States in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states—fixing the standard of weights and measures throughout the United States—regulating the trade and managing all affairs with the Indians not members of any of the states; provided that the legislative right of any state within its own limits be not infringed or violated—establishing and regulating postoffices from one state to another throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office—appointing all officers of the land forces in the service of the United States excepting regimental officers—appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States—making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in Congress assembled shall have author-

ity to appoint a committee to sit in the recess of Congress, to be denominated "a committee of the states," and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States, under their direction—to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years—to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses, to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted—to build and equip a navy—to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state; which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm, and equip them, in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled; but if the United States in Congress assembled shall, on consideration of circumstances, judge proper that any state should not raise men or should raise a smaller number of its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped, in the same manner as the quota of such State, unless the legislature of such state shall judge that such extra number can not safely be spared out of the same; in which case they shall raise, officer, clothe, arm, and equip, as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States or any of them. nor emit bills; nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the

number of vessels-of-war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army and navy, unless nine states assent to the same; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months; and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question shall be entered on the journal, when it is desired by any delegate; and the delegate of a state, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

Article 10. The committee of the states, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine states, shall from time to time, think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states in the Congress of the United States assembled is requisite.

Article 11. Canada, acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to, all the advantages of this Union; but no other colony shall be admitted into the same unless such admission be agreed to by nine states.

Article 12. All bills of credit emitted, moneys borrowed, and debts contracted, by or under the authority of Congress, before the assembling of the United States in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

Article 13. Every state shall abide by the decision of the United States in Congress assembled, on all questions which, by this confederation, are submitted to them. And the articles of this confederation shall be inviolably observed by eve-

ry state, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterward confirmed by the legislature of every state.

And whereas it has pleased the great Governor of the world to incline the hearts of the legislatures we respectively represent in Congress, to approve of and to authorize us to ratify the said articles of confederation and perpetual Union: know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual Union, and all and singular the matters and things therein contained; and we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions which, by the said confederation are submitted to them; and that the articles thereof shall be inviolably observed by the states we respectively represent; and that the Union be perpetual.

In witness whereof, we have hereunto set our hands, in Congress. Done at Philadelphia, in the state of Pennsylvania, the ninth day of July, in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independence of America.

New Hampshire.

Josiah Bartlett,
John Wentworth, Jr.

Samuel Huntington,
Oliver Wolcott,
Titus Hosmer,
Andrew Adams.

Massachusetts Bay.

John Hancock,
Samuel Adams,
Elbridge Gerry,
Francis Danna,
James Lovell,
Samuel Holten.

New York.

James Duane,
Francis Lewis,
William Duer,
Gouverneur Morris.

Rhode Island.

William Ellery,
Henry Marchant,
John Collins.

New Jersey.

John Witherspoon,
Nath. Scudder.

Connecticut.

Roger Sherman,

Pennsylvania.

Robert Morris,
Daniel Roberdeau,
Jonathan Bayard Smith,

William Clingan,
Joseph Reed.

Delaware.
Thomas M'Kean,
John Dickinson,
Nicholas Van Dyke.

Maryland.
John Hanson,
Daniel Carroll.

Virginia.
Richard Henry Lee,
John Banister,
Thomas Adams,
John Harvie,

Francis Lightfoot Lee.

North Carolina.
John Peen,
Constable Harnett,
John Williams.

South Carolina.
Henry Laurens,
William Henry Drayton,
John Matthews,
Richard Hutson,
Thomas Heyward, Jr.

Georgia.
John Walton,
Edward Telfair,
Edward Longworthy.

CONSTITUTION

OF THE UNITED STATES.

We, the People of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

Section I.

All legislative power herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. Legislative powers.

Section II.

The House of Representatives shall be composed of members chosen every second year, by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature. Members House of Representatives, how chosen.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen. Qualifications of members House of Representatives.

Representatives and direct taxes shall be apportioned among the several States which may be included within the Union, according to their respective numbers, which shall be determined by adding to Apportionment of Representatives.

the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.—The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts eight; Rhode Island and Providence Plantations one; Connecticut five; New York six; New Jersey four; Pennsylvania eight; Delaware one; Maryland six; Virginia ten; North Carolina five; South Carolina five; and Georgia three.

Vacancies how filled.

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

House of Representatives choose officers.

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

Section III.

Senate, how chosen.

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Senators classed.

Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments, until the next meeting of the Legislature, which

shall then fill such vacancies. No person shall be a Senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

Senator's qualifications.

Vice President vote.

The Vice President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

Senate choose officers.

The Senate shall have the sole power to try all impeachments: when sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Try impeachments.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

Judgment on impeachment.

Section IV.

The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

Elections, how held.

The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day.

Congress assemble annually.

Section V.

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| Elections how judged. | Each House shall be the judge of the elections, returns, and qualifications, of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide. |
| Quorum, Senate and House of Representatives. | |
| Rules. | Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member. |
| Journals by each House. | Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal. |
| Adjournment. | Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting. |

Section VI.

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| Compensation. | The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance on the session of their respective Houses, and in going to or returning from the same: and for any speech or debate in either House, they shall not be questioned in any other place. |
| Privileges. | |
| Arrests. | |
| Members not appointed to office. | No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such |

time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

Section VII.

All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose, or concur with, amendments, as on other bills.

Bills, revenue,
House of Rep-
resentatives.

Every bill which shall have passed the House of Representatives and the Senate, shall before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it, but, if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But, in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

Bills, their
formalities.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, accord-

Resolutions
and votes be-
fore the Pres-
ident of the
United States.

ing to the rules and limitations prescribed in the case of a bill.

Section VIII.

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| Congress lay taxes. | <p>The Congress shall have power—</p> <p>To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:</p> |
| Borrow money. Commerce &c. | <p>To borrow money on the credit of the United States:</p> <p>To regulate commerce with foreign nations and among the several States, and with the Indian tribes:</p> |
| Naturalization, &c. | <p>To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States:</p> |
| Coin, &c. | <p>To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:</p> |
| Punish counterfeiting. | <p>To provide for the punishment of counterfeiting the securities and current coin of the United States:</p> |
| Post Offices &c | <p>To establish post offices and post roads:</p> |
| Promote science. | <p>To promote the progress of science and useful arts, by securing, for a limited time, to authors and inventors, the exclusive right to their respective writings and discoveries:</p> |
| Congress constitute courts. | <p>To constitute tribunals inferior to the Supreme Court:</p> <p>To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:</p> |
| Declare war. | <p>To declare war, to grant letters of marque and reprisal, and make rules concerning captures on land and water:</p> |
| Raise armies. | <p>To raise and support armies: (but no appropriation of money to that use shall be for a longer term than two years:)</p> |
| Navy. | <p>To provide and maintain a navy:</p> <p>To make rules for the government and regulation of the land and naval forces:</p> |

To provide for calling forth the militia to execute ^{Militia.} the laws of the Union, suppress insurrections, and repel invasions:

To provide for organizing, arming, and disciplining ^{Organize militia.} the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the States, respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress:

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of Government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings: And,

To make all laws which shall be necessary and proper ^{Congress make laws general.} for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Section IX.

The migration or importation of such persons as any ^{Importation of persons after 1808.} of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not ^{Habeas corpus} be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

No bill of attainder or ex post facto law shall be ^{Attainder.} passed.

No capitation or other direct tax shall be laid, ^{Tax.}

unless in proportion to the census or enumeration herein before directed to be taken.

No exportation duty.

No tax or duty shall be laid on articles exported from any State. No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

Money, how drawn.

No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Titles not conferred.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

Section X.

States not make treaties.

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

States not lay imposts, &c.

No State shall, without the consent of the Congress, lay any impost duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts laid by any State on imports or exports shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power,

Of tonnage.

or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

Section I.

The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then, from the five highest on the list, the said house shall, in like manner, choose the President. But, in choosing the President, the votes shall be taken by States, the representation from

each State having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice President.

Day electors
meet.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

Qualifications
of President of
the United
States.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

Removal of
President U.
States in case.

In case of the removal of the President from office, of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

President U.
States,
compensation.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected: and he shall not receive within that period any other emolument from the United States, or any of them.

Oath.

Before he enters on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States; and will, to the best of my ability, preserve,

protect, and defend the Constitution of the United States.”

Section II.

The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

President United States, powers.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur: and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint, Ambassadors, or other public Ministers, and Consuls, Judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments.

Make treaties.

Appoint officers.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

Vacancies in office.

Section III.

He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient: he may, on extraordinary occasions, convene both Houses, or either of them; and, in case of disagreement between them, with respect to the time of adjourn-

President United States, duties.

jourment, he may adjourn them to such time as he shall think proper: he shall receive Ambassadors and other public Ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

Section IV.

Officers re-
movable by
impeachment.

The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

Section I.

Judicial pow-
ers and tenure
of judges.

The Judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior Courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Section II.

Judicial pow-
er, extension.

The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public Ministers, and Consuls; to all cases of admiralty and maritime jurisdiction to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and

between a State, or the citizens thereof, and foreign States, citizens, or subjects.

In all cases affecting Ambassadors, other public Ministers, and Consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

Supreme
Court Jurisdiction.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Trial by jury.

Section III.

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Treason.

The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

Attainder.

ARTICLE IV.

Section I.

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Acts of States
accredited.

Section II.**Citizens' privileges.**

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Persons charged with crimes fleeing.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Section III.**New States admitted.**

New States may be admitted by the Congress into this Union; but no new States shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

Territory of United States.

The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Section IV.**Republican form.**

The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution; or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Amendments,
how attained.

ARTICLE VI.

All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

Debts prior to
adoption of
Constitution.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.

Treaties, law
of land.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all Executive and Judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Oath or affir-
mation to
members.

ARTICLE VII.

Ratification.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

New Hampshire.

John Langdon,
Nicholas Gilman.

Masachusetts.

Nathaniel Gorham,
Rufus King.

Connecticut.

William Samuel Johnson,
Roger Sherman.

New York.

Alexander Hamilton.

New Jersey.

William Livingston,
David Brearley,
William Patterson,
Jonathan Dayton.

Pennsylvania.

Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimmons,
Jared Ingersoll,
James Wilson,
Gouverneur Morris.

Attest:

Delaware.

George Reed,
Gunning Bedford, Jr.,
John Dickinson,
Richard Bassett,
Jacob Broom.

Maryland.

James McHenry,
Daniel of St. Thos. Jenifer,
Daniel Carroll.

Virginia.

John Blair,
James Madison, Jr.
North Carolina.

William Blount,
Richard Dobbs Spaight,
Hugh Williamson.

South Carolina.

John Rutledge,
Charles C. Pinckney,
Charles Pinckney,
Pierce Butler.

Georgia.

William Fow,
Abraham Baldwin.

WILLIAM JACKSON, Secretary.

IN CONVENTION.

MONDAY, SEPTEMBER 17, 1787.

Resolved, That the preceding Constitution be laid before the United States in Congress assembled, and that it is the opinion of this Convention that it should afterwards be submitted to a convention of delegates chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification; and that each convention assenting to and ratifying the same should give notice thereof to the United States in Congress assembled.

Resolved, That it is the opinion of this Convention, that, as soon as the conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix on a day on which electors should be appointed by the States which shall have ratified the same, and a day on which electors should assemble to vote for the President, and the time and place for commencing proceedings under this Constitution. That, after such publication, the electors should be appointed, and the Senators and Representatives elected. That the electors should meet on the day fixed for the election of the President, and should transmit their votes, certified, signed, sealed, and directed, as the Constitution requires, to the Secretary of the United States, in Congress assembled; that the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening, and counting the votes for President; and that, after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution.

By the unanimous order of the Convention:

GEO. WASHINGTON, President.

WILLIAM JACKSON, Secretary.

IN CONVENTION.

SEPTEMBER 17, 1787.

SIR: We have now the honor to submit to the consideration of the United States in Congress assembled that Constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired that the power of making war, peace, and treaties; that of levying money, and regulating commerce, and the correspondent Executive and Judicial authorities, should be fully and effectually vested in the General Government of the Union; but the impropriety of delegating such extensive trusts to one body of men is evident: hence results the necessity of a different organization.

It is obviously impracticable, in the Federal Government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw, with precision, the line between those rights which must be surrendered, and those which may be preserved; and, on the present occasion, this difficulty was increased by a difference among the several States, as to their situation, extent, habits and particular interests.

In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American—the consolidation of our Union; in which is involved our prosperity, felicity, safety—perhaps our national existence. This important consideration seriously and deeply impressed our minds; and led each State in the Convention to be less rigid on points of inferior magnitude than might have been otherwise expected; and thus the Constitution which

we now present is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State, is not perhaps to be expected; but each will doubtless consider, that, had her interest been alone consulted, the consequences might have been particularly disagreeable or injurious to others. That it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish. With great respect, we have the honor to be, sir, your excellency's most obedient and humble servants.

By unanimous order of the Convention:

GEO. WASHINGTON, President.

His Excellency, the President of Congress.

The United States in Congress assembled:

FRIDAY, SEPTEMBER 8, 1787.

Present--New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, and Georgia; and from Maryland, Mr. Ross.

Congress having received the report of the Convention lately assembled in Philadelphia,

Resolved, unanimously, That the said report, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures, in order to submit to a convention of delegates chosen in each State by the people thereof, in conformity to

the resolves of the Convention, made and provided in that case.

CHARLES THOMSON, Secretary..

AMENDMENTS.

Article the First.

No religious
establish-
ment, or pro-
hibition of its
exercise.
Freedom of
speech and of
the press.
Right of peti-
tion, &c.

Congress shall make no law respecting an establish-
ment of religion, or prohibiting the free exercise thereof;
or abridging the freedom of speech or of the press; or
the right of the people peaceably to assemble, and to
petition the Government for a redress of grievances.

Article the Second.

Right to keep
arms.

A well regulated militia being necessary to the se-
curity of a free State, the right of the people to keep
and bear arms shall not be infringed.

Article the Third.

Quartering of
soldiers for-
bidden.

No soldier shall, in time of peace, be quartered in
any House without the consent of the owner, nor in
time of war, but in a manner to be prescribed by law.

Article the Fourth.

Rights against
unreasonable
searches and
seizures.

The right of the people to be secure in their persons,
houses, papers, and effects, against unreasonable
searches and seizures, shall not be violated; and no war-
rant shall issue, but upon probable cause, supported by
oath or affirmation, and particularly describing the
place to be searched, and the person or things to be
seized.

Article the Fifth.

Presentment
in criminal
prosecutions.

No person shall be held to answer for a capital
or otherwise infamous crime, unless on a present-
ment or indictment of a grand jury, except in cases

arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Private property held sacred.

Article the Sixth.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

Trial by jury in criminal prosecutions.

Form of trial.

Article the Seventh.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

Jury trial in civil cases over \$20.

Article the Eighth.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Excessive bail.

Article the Ninth.

The enumeration in the Constitution of certain

Rights not
granted re-
tained in the
people.

rights shall not be construed to deny or disparage others retained by the people.

Article the Tenth.

Powers not
delegated re-
served to the
States.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Article the Eleventh.

Limitation of
judicial
power.

The Judicial power of the United States shall not be construed to extend to any suit, in law or equity, commenced or prosecuted against one of the United States, by citizens of another State, or by citizens or subjects of any foreign State.

Article the Twelfth.

Election of
President and
Vice Presi-
dent.

The electors shall meet in their respective States, and vote, by ballot, for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves: they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each; which lists they shall sign and certify, and transmit, sealed, to the seat of Government of the United States, directed to the President of the Senate: the President of the Senate shall, in the presence of the Senate, and House of Representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no persons have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Repre-

representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice President shall be the Vice President, if such a number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President: a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice President of the United States.

ADDITIONAL ARTICLES.

Article the Thirteenth.

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this Article by appropriate legislation.

Article the Fourteenth.

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law

which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be appointed among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed; but when the right to vote at any election for the choice of Electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State (being twenty-one years of age and citizens of the United States), or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in said State.

Section 3. No person shall be a Senator or Representative in Congress, or Elector, or President, or Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection, or rebellion against the same, or given aid or comfort to the enemies thereof; but Congress may, by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties, for services in suppressing insurrection or rebellion, shall not be questioned: but neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any

slave. But all such debts, obligations, and claims, shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this Article.

Article the Fifteenth.

Section 1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this Article by appropriate legislation.



CONSTITUTION
OF
THE STATE OF TEXAS

**ADOPTED UNANIMOUSLY IN CONVENTION, AT THE
CITY OF AUSTIN, 1845.**

**AN ORDINANCE
IN RELATION TO COLONIZATION CONTRACTS.**

**AN ORDINANCE
ASSENTING TO THE PROPOSALS OF THE UNITED STATES
CONGRESS FOR THE ANNEXATION OF TEXAS.**

**HOUSTON.
1845**

CONSTITUTION.

We, the people of the Republic of Texas, acknowledging with gratitude the grace and beneficence of God, in permitting us to make a choice of our form of Government,—do, in accordance with the provisions of the Joint Resolution for annexing Texas to the United States, approved March first, one thousand eight hundred and forty-five, ordain and establish this Constitution.

ARTICLE FIRST.

BILL OF RIGHTS.

That the general, great and essential principles of Liberty and Free Government may be recognized and established, we declare that—

Section 1. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times the unalienable right to alter, reform, or abolish their form of government, in such manner as they may think expedient.

Sec. 2. All freemen, when they form a social compact, have equal rights; and no man, or set of men, is entitled to exclusive, separate, public emoluments or privileges, but in consideration of public services.

Sec. 3. No religious test shall ever be required as a qualification to any office or public trust in this State.

Sec. 4. All men have a natural and indefeasible right to worship God according to the dictates of their own consciences; no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; no human authority ought, in any case whatever, to control or interfere with the rights of conscience, in matters of religion, and no preference shall ever be given by law to any religious societies or modes of worship. But it shall be the

duty of the Legislature to pass such laws as shall be necessary to protect every religious denomination in the peaceable enjoyment of their own mode of public worship.

Sec. 5. Every citizen shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed, curtailing the liberty of speech or of the Press.

Sec. 6. In prosecutions for the publication of papers investigating the official conduct of officers, or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court as in other cases.

Sec. 7. The people shall be secure in their persons, houses, papers, and possessions, from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue, without describing them as near as may be; nor without probable cause supported by oath or affirmation.

Sec. 8. In all criminal prosecutions, the accused shall have a speedy public trial, by an impartial jury; he shall not be compelled to give evidence against himself; he shall have the right of being heard by himself or counsel, or both; shall be confronted with the witnesses against him, and shall have compulsory process for obtaining witnesses in his favor; and no person shall be holden to answer for any criminal charge, but on indictment or information, except in cases arising in the land or naval forces, or offenses against the laws regulating the militia.

Sec. 9. All prisoners shall be bailable by sufficient sureties unless for capital offenses, when the proof is evident or the presumption great; but this provision shall not be so construed as to prohibit bail after indictment found, upon an examination of the evidence by a Judge of the Supreme or District Court, upon the return of the writ of habeas corpus, returnable in the county where the offence is committed.

Sec. 10. The privilege of the writ of habeas corpus shall not be suspended, except when in case of rebellion or invasion, the public safety may require it.

Sec. 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open; and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law.

Sec. 12. No person for the same offence shall be twice put in jeopardy of life or limb, nor shall a person be again put upon trial for the same offence, after a verdict of not guilty; and the right of trial by jury shall remain inviolate.

Sec. 13. Every citizen shall have the right to keep and bear arms in the lawful defence of himself and the State.

Sec. 14. No bill of attainder, ex post facto law, retroactive law, or any law impairing the obligations of contracts, shall be made; and no person's property shall be taken or applied to public use, without adequate compensation being made, unless by the consent of such person.

Sec. 15. No person shall ever be imprisoned for debt.

Sec. 16. No citizen of this state shall be deprived of life, liberty, property or privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

Sec. 17. The military shall at all times be subordinate to the civil authority.

Sec. 18. Perpetuities and monopolies are contrary to the genius of a Free Government, and shall never be allowed; nor shall the law of primogeniture or entailments ever be in force in this State.

Sec. 19. The citizens shall have the right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other purposes, by petition, address or remonstrance.

Sec. 20. No power of suspending laws in this State shall be exercised, except by the Legislature or its authority.

Sec. 21. To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of Government, and shall forever remain inviolate; and all laws contrary thereto, or to the following Provisions, shall be void.

ARTICLE SECOND.

Section 1. The powers of the Government of the State of Texas shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: those which are Legislative, to one; those which are Executive, to another; and those which are Judicial to another, and no person or collection of persons, being of one of those departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

ARTICLE THIRD.

LEGISLATIVE DEPARTMENT.

Section 1. Every free male person who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, or who is at the time of the adoption of this Constitution by

the Congress of the United States, a citizen of the Republic of Texas, and shall have resided in this State one year next preceding an election, and the last six months within the district, county, city or town in which he offers to vote, (Indians not taxed, Africans and descendants of Africans excepted,) shall be deemed a qualified elector; and should such qualified elector, happen to be in any other county situated in the district in which he resides at the time of an election, he shall be permitted to vote for any district officer; provided, that the qualified electors shall be permitted to vote any where in the state for state officers; and provided, further, that no soldier, seaman or marine, in the army or navy of the United States, shall be entitled to vote at any election created by this Constitution.

Sec. 2. All free male persons over the age of twenty-one years, (Indians not taxed, Africans and descendants of Africans excepted,) who shall have resided six months in Texas, immediately preceding the acceptance of this Constitution by the Congress of the United States, shall be deemed qualified electors.

Sec. 3. Electors in all cases, shall be privileged from arrest during their attendance at elections, and in going to and returning from the same, except in cases of treason, felony, or breach of the peace.

Sec. 4. The Legislative powers of this State, shall be vested in two distinct branches: the one to be styled the Senate, and the other the House of Representatives, and both together the "Legislature of the State of Texas." The style of all laws shall be, "Be it enacted by the Legislature of the State of Texas."

Sec. 5. The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of the general election; and the sessions of the Legislature shall be biennial, at such times as shall be prescribed by law.

Sec. 6. No person shall be a representative, unless he be a citizen of the United States, or at the time of the adoption of this Constitution a citizen of the Republic of Texas, and shall have been an inhabitant of this State two years next preceding his election, and the last year thereof a citizen of the county, city or town for which he shall be chosen, and shall have attained the age of twenty-one years, at the time of his election.

Sec. 7. All elections by the people shall be held at such time and places, in the several counties, cities or towns, as are now, or may hereafter be designated by law.

Sec. 8. The Senators shall be chosen by the qualified electors for the term of four years; and shall be divided by lot into two classes as nearly equal as can be. The seats of Senators of the first class shall be vacated at the expiration of the first two years; and of the second class at the expiration of four years; so that one half thereof shall be chosen biennially thereafter.

Sec. 9. Such mode of classifying new additional Senators, shall be

observed as will as nearly as possible preserve an equality of number in each class.

Sec. 10. When a Senatorial district shall be composed of two or more counties, it shall not be separated by any county belonging to another district.

Sec. 11. No person shall be a Senator unless he be a citizen of the United States, or at the time of the acceptance of this Constitution by the Congress of the United States, a citizen of the Republic of Texas; and shall have been an inhabitant of this State three years next preceding the election; and the last year thereof a resident of the district for which he shall be chosen, and have attained the age of thirty years.

Sec. 12. The House of Representatives, when assembled, shall choose a Speaker and its other officers, and the Senate shall choose a President for the time being and its other officers. Each House shall judge of the qualifications and elections of its own members, but contested elections shall be determined in such manner as shall be directed by law. Two thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

Sec. 13. Each House may determine the rules of its own proceedings, punish members for disorderly conduct, and with the consent of two thirds, expel a member, but not a second time for the same offence.

Sec. 14. Each House shall keep a journal of its own proceedings, and publish the same; and the yeas and nays of the members of either House, on any question, shall, at the desire of any three members present, be entered on the Journals.

Sec. 15. When vacancies happen in either House, the Governor, or the person exercising the power of the Governor, shall issue writs of election to fill such vacancy.

Sec. 16. Senators and Representatives shall in all cases, except in treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, allowing one day for every twenty miles such member may reside from the place at which the Legislature is convened.

Sec. 17. Each House may punish by imprisonment during the session, any person not a member, for disrespectful or disorderly conduct, in its presence; or for obstructing any of its proceedings: provided, such imprisonment shall not at any one time exceed forty-eight hours.

Sec. 18. The doors of each House shall be kept open.

Sec. 19. Neither House shall without the consent of the other, adjourn for more than three days; nor to any other place than that in which they may be sitting, without the concurrence of both Houses.

Sec. 20. Bills may originate in either House, and be amended, al-

tered or rejected by the other; but no bill shall have the force of a law, until on three several days it be read in each House, and free discussion be allowed thereon, unless in case of great emergency, four-fifths of the House in which the bill shall be pending, may deem it expedient to dispense with this rule; and every bill having passed both Houses, shall be signed by the Speaker and President of their respective Houses.

Sec. 12. All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

Sec. 22. After a bill or resolution has been rejected by either branch of the Legislature, no bill or resolution containing the same substance shall be passed into a law during the same session.

Sec. 23. Each member of the Legislature shall receive from the public Treasury, a compensation for his services, which may be increased or diminished by law; but no increase of compensation shall take effect during the session at which such increase shall be made.

Sec. 24. No Senator or Representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this State, which shall have been created, or the emoluments of which may have been increased during such term; and no member of either House of the Legislature shall, during the term for which he is elected, be eligible to any office or place, the appointment to which may be made in whole or in part, by either branch of the Legislature; nor shall the members thereof be capable of voting for a member of their own body, for any office whatever, except it be in such cases as are herein provided. The President for the time being of the Senate, and Speaker of the House of Representatives, shall be elected from their respective bodies.

Sec. 25. No Judge of any Court of law or equity, Secretary of State, Attorney General, Clerk of any Court of record, Sheriff, or Collector, or any person holding a lucrative office under the United States, or this State, or any foreign Government, shall be eligible to the Legislature, nor shall at the same time, hold or exercise any two offices, agencies or appointments of trust or profit under this State: Provided, That offices of the militia, to which there is attached no annual salary, or the office of Justice of the Peace, shall not be deemed lucrative.

Sec. 26. No person who at any time may have been a Collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the Legislature, or to any office of profit or trust under the State Government, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have been entrusted.

Sec. 27. Ministers of the Gospel, being by their profession dedicated to God, and the care of souls, ought not to be diverted from the great

duties of their functions; therefore, no Minister of the Gospel, or Priest of any denomination whatever, shall be eligible to the Legislature.

Sec. 28. Elections for Senators and Representatives shall be general throughout the State, and shall be regulated by law.

Sec. 29. The Legislature shall at their first meeting, and in the year one thousand eight hundred and forty eight, and fifty, and every eight years thereafter, cause an enumeration to be made of all the free inhabitants (Indians not taxed, Africans and the descendants of Africans excepted) of the State, designating particularly the number of qualified electors; and the whole number of Representatives shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the several counties, cities or towns, according to the number of free population in each; and shall not be less than forty-five, nor more than ninety.

Sec. 30. Until after the first enumeration and apportionment under this Constitution, the following shall be the apportionment of Representatives amongst the several counties, viz:

The county of Montgomery shall elect four Representatives; the counties of Red River, Harrison, Nacogdoches, Harris and Washington, shall elect three Representatives each; the counties of Fannin, Lamar, Bowie, Shelby, San Augustine, Rusk, Houston, Sabine, Liberty, Robertson, Galveston, Brazoria, Fayette, Colorado, Austin, Gonzales and Bexar, two Representatives each; the counties of Jefferson, Jasper, Brazos, Milam, Bastrop, Travis, Matagorda, Jackson, Fort Bend, Victoria, Refugio, Goliad, and San Patricio, one Representative each.

Sec. 31. The whole number of Senators shall at the next session after the several periods of making the enumeration, be fixed by the Legislature, and apportioned among the several districts to be established by law, according to the number of qualified electors, and shall never be less than nineteen, nor more than thirty-three.

Sec. 32. Until the first enumeration, as provided for by this Constitution, the Senatorial districts shall be as follows, to wit: The counties of Fannin and Lamar shall constitute the first district, and elect one Senator; the counties of Red River and Bowie, the second district, and elect one Senator; the counties of Fannin, Lamar, Red River and Bowie, conjointly, shall elect one Senator; the county of Harrison, the third district, shall elect one Senator; The counties of Nacogdoches, Rusk and Houston, the fourth district, shall elect two Senators; the counties of San Augustine and Shelby, the fifth district, shall elect one Senator; the counties of Sabine and Jasper, the sixth district, shall elect one Senator; the counties of Liberty and Jefferson, the seventh district, shall elect one Senator; the counties of Robertson and Brazos, the eighth district, shall elect one Senator; the county of Montgomery, the ninth district, shall elect

one Senator; the county of Harris, the tenth district, shall elect one Senator; the county of Galveston, the eleventh district, shall elect one Senator; the counties of Brazoria and Matagorda, the twelfth district, shall elect one Senator, the counties of Austin and Fort Bend, the thirteenth district, shall elect one Senator; the counties of Colorado and Fayette, the fourteenth district, shall elect one Senator; the counties of Bastrop and Travis, the fifteenth district, shall elect one Senator; the counties of Washington and Milam, the sixteenth district, shall elect one Senator; the counties of Victoria, Gonzales and Jackson, the seventeenth district, shall elect one Senator; the county of Bexar, the eighteenth district, shall elect one Senator; and the counties of Goliad, Refugio and San Patricio, the nineteenth district, shall elect one Senator.

Sec. 33. The first session of the Legislature, after the adoption of this Constitution by the Congress of the United States, shall be held at the city of Austin, the present seat of Government, and thereafter, until the year one thousand eight hundred and fifty; after which period, the Seat of Government shall be permanently located by the people.

Sec. 34. The members of the Legislature shall at their first session, receive from the Treasury of the State, as their compensation three dollars for each day they shall be in attendance on, and three dollars for every twenty-five miles travelling to and from the place of convening the Legislature.

Sec. 35. In order to settle permanently the Seat of Government, an election shall be holden throughout the State, at the usual places of holding elections, on the first Monday in March, one thousand eight hundred and fifty; which shall be conducted according to law, at which time, the people shall vote for such place as they may see proper for the Seat of Government. The returns of said election to be transmitted to the Governor by the first Monday in June; if either place voted for shall have a majority of the whole number of votes cast, then the same shall be the permanent Seat of Government until the year one thousand eight hundred and seventy, unless the State shall sooner be divided. But in case neither place voted for shall have the majority of the whole number of votes given in, then the Governor shall issue his proclamation for an election to be holden in the same manner on the first Monday in October, one thousand eight hundred and fifty, between the two places having the highest number of votes at the first election. The election shall be conducted in the same manner as at the first, and the returns made to the Governor, and the place having the highest number of votes shall be the Seat of Government for the time herein before provided.

ARTICLE FOURTH.

JUDICIAL DEPARTMENT.

Sec. 1. The judicial power of this State, shall be vested in one Supreme Court, in District Courts, and in such inferior courts as the Legislature may from time to time ordain and establish, and such jurisdiction may be vested in corporation courts, as may be deemed necessary, and be directed by law.

Sec. 2. The Supreme Court shall consist of a Chief Justice and two Associates, any two of whom shall form a quorum.

Sec. 3. The Supreme Court shall have appellate jurisdiction only, which shall be co-extensive with the limits of the State, but in criminal cases, and in appeals from interlocutory judgments, with such exceptions and under such regulations as the Legislature shall make; and the Supreme Court and Judges thereof, shall have power to issue the writ of Habeas Corpus, and under such regulations as may be prescribed by law, may issue writs of Mandamus and such other writs as shall be necessary to enforce its own jurisdiction; and also compel a Judge of the District Court to proceed to the trial and judgment in a cause; and the Supreme Court shall hold its sessions once every year, between the months of October and June inclusive, at not more than three places in the State.

Sec. 4. The Supreme Court shall appoint its own clerks, who shall hold their office for four years, and be subject to removal by the said Court for neglect of duty, misdemeanor in office, and such other causes as may be prescribed by law.

Sec. 5. The Governor shall nominate, and by and with the advice and consent of two thirds of the Senate, shall appoint the Judges of the Supreme and District Courts, and they shall hold their offices for six years.

Sec. 6. The State shall be divided into convenient Judicial Districts. For each District there shall be appointed a Judge, who shall reside in the same, and hold the Courts at one place in each county, and at least twice in each year, in such manner as may be prescribed by law.

Sec. 7. The Judges of the Supreme Court shall receive a salary not less than two thousand dollars annually, but the Judges of the District Court a salary not less than seventeen hundred and fifty dollars annually; and the salaries of the Judges shall not be increased or diminished during their continuance in office.

Sec. 8. The Judges of the Supreme and District Courts shall be removed by the Governor, on the address of two-thirds of each House of the Legislature, for wilful neglect of duty, or other reasonable cause, which shall not be sufficient ground for impeachment; provided, how-

ever, that the cause or causes for which such removal shall be required, shall be stated at length in such address, and entered on the journals of each House; and provided, further, that the cause or causes shall be notified to the Judges so intended to be removed; and he shall be admitted to a hearing in his own defence, before any vote for such address shall pass; and in all such cases the vote shall be taken by yeas and nays, and entered on the journals of each House respectively.

Sec. 9. All Judges of the Supreme and District Courts shall, by virtue of their offices, be conservators of the peace throughout the State.

The style of all writs and process, shall be "The State of Texas." All prosecutions shall be carried on in the name and by the authority of the "State of Texas," and conclude "against the peace and dignity of the State."

Sec. 10. The District Court shall have original jurisdiction of all criminal cases, of all suits in behalf of the State to recover penalties, forfeitures and escheats, and of all cases of divorce, and of all suits, complaints and pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at, or amount to, one hundred dollars, exclusive of interest; and the said Courts, or the Judges thereof, shall have power to issue all writs necessary to enforce their own jurisdiction, and give them a general superintendence and control over inferior jurisdictions.

And in the trial of all criminal cases, the jury trying the same shall find and assess the amount of punishment to be inflicted, or fine imposed; except in capital cases, and where the punishment or fine imposed; shall be specifically imposed by law.

Sec. 11. There shall be a Clerk of the District Court for each county, who shall be elected by the qualified voters for members of the Legislature, and who shall hold his office for four years, subject to removal by information, or by presentment of a grand jury, and conviction of a petit jury. In case of vacancy, the Judge of the District shall have the power to appoint a Clerk until a regular election can be held.

Sec. 12. The Governor shall nominate, and by and with the advice and consent of two-thirds of the Senate appoint an Attorney General, who shall hold his office for two years, and there shall be elected by joint vote of both Houses of the Legislature, a District Attorney for each District, who shall hold his office for two years; and the duties, salaries and perquisites of the Attorney General, and District Attorneys, shall be prescribed by law.

Sec. 13. There shall be appointed for each county, a convenient number of Justices of the Peace, one Sheriff, one Coroner, and a sufficient number of Constables, who shall hold their offices for two years, to be elected by the qualified voters of the District or County, as the Legislature may direct. Justices of the Peace, Sheriff and Coroner, shall be commissioned by the Governor. The Sheriff shall not be eligible more than four years in every six.

Sec. 14. No Judge shall set in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or where he shall have been of counsel in the cause. When the Supreme Court or any two of its members shall be thus disqualified to hear and determine any cause or causes in said Court, or when no judgment can be rendered in any case or cases in said court, by reason of the equal division of opinion of said Judges, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law, for the trial and determination of said case or cases. When the Judges of the District Court are thus disqualified, the parties may, by consent, appoint a proper person to try the said case; and the Judges of the said Courts may exchange Districts, or hold Courts for each other, when they may deem it expedient, and shall do so when directed by law. The disqualifications of Judges of inferior tribunals, shall be remedied as may hereafter be by law prescribed.

Sec. 15. Inferior tribunals shall be established in each county for appointing guardians, granting letters testamentary, and of administration; for settling the accounts of executors, administrators and guardians, and for the transaction of business appertaining to estates; and the District Courts shall have original and appellate jurisdiction, and general control over the said inferior tribunals, and original jurisdiction and control over executors, administrators, guardians and minors, under such regulation as may be prescribed by law.

Sec. 16. In the trial of all causes in equity in the District Court the plaintiff or defendant, shall, upon application made in open court, have the right of trial by jury, to be governed by the rules and regulations prescribed in trials at law.

Sec. 17. All Justices of the Peace shall have such civil and criminal jurisdiction, as shall be provided for by law.

Sec. 18. In all causes arising out of a contract, before any inferior judicial tribunal, when the amount in controversy shall exceed ten dollars, the plaintiff or defendant shall upon application to the presiding officer, have the right of trial by jury.

Sec. 19. In all cases where Justices of the Peace or other judicial officers of inferior tribunals shall have jurisdiction in the trial of causes where the penalty for the violation of a law is fine or imprisonment, (except in cases of contempt,) the accused shall have the right of trial by jury.

ARTICLE FIFTH.

EXECUTIVE DEPARTMENT.

Sec. 1. The supreme executive power of this State shall be vest-

ed in a Chief Magistrate, who shall be styled the Governor of the State of Texas.

Sec. 2. The Governor shall be elected by the qualified electors of the State, at the time and places of elections for members of the Legislature.

Sec. 3. The returns of every election for Governor until otherwise provided by law, shall be made out, sealed up and transmitted to the Seat of Government, and directed to the Speaker of the House of Representatives, who shall, during the first week of the session of the Legislature thereafter, open and publish them in the presence of both houses of the legislature, the person having the highest number of votes, and being constitutionally eligible, shall be declared by the Speaker, under the direction of the Legislature, to be Governor; but if two or more persons shall have the highest and an equal number of votes, one of them shall be immediately chosen Governor by joint vote of both Houses of the Legislature. Contested elections for Governor shall be determined by both Houses of the Legislature.

Sec. 4. The Governor shall hold his office for the term of two years from the regular time of installation, and until his successor shall be duly qualified, but shall not be eligible for more than four years in any term of six years; he shall be at least thirty years of age, shall be a citizen of the United States or a citizen of the State of Texas at the time of the adoption of this Constitution, and shall have resided in the same three years immediately preceding his election.

Sec. 5. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the term for which he shall have been elected. The first Governor shall receive an annual salary of two thousand dollars, and no more.

Sec. 6. The Governor shall be Commander in Chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the U. States.

Sec. 7. He may require information, in writing, from the officers of the Executive Department on any subject relating to the duties of their respective offices.

Sec. 8. He may, by proclamation, on extraordinary occasions, convene the Legislature at the Seat of Government, or at a different place, if that should be in the actual possession of a public enemy; in case of disagreement between the two Houses with respect to the adjournment, he may adjourn them to such time as he shall think proper, not beyond the day of the next regular meeting of the Legislature.

Sec. 9. He shall, from time to time, give to the Legislature information, in writing, of the state of the Government, and recommend to their consideration such measures as he may deem expedient.

Sec. 10. He shall take care that the laws be faithfully executed.

Sec. 11. In all criminal cases, except in those of treason and impeachment, he shall have power, after conviction, to grant reprieves and

pardons; and under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. In cases of treason; he shall have power, by and with the advice and consent of the Senate, to grant reprieves and pardons; and he may, in the recess of the Senate, respite the sentence until the end of the next session of the Legislature.

Sec. 12. There shall also be a Lieutenant Governor who shall be chosen at every election for Governor by the same persons, and in the same manner, continue in office for the same time, and possess the same qualifications. In voting for Governor and Lieutenant Governor, the electors shall distinguish for whom they vote as Governor and for whom as Lieutenant Governor. The Lieutenant Governor shall, by virtue of his office, be President of the Senate, and have, when in committee of the whole, a right to debate and vote on all questions, and when the Senate is equally divided to give the casting vote. In case of the death, resignation, removal from office, inability or refusal of the Governor to serve, or of his impeachment or absence from the State, the Lieutenant Governor shall exercise the powers and authority appertaining to the office of Governor until another be chosen at the periodical election for Governor, and be duly qualified, or until the Governor, impeached, absent or disabled, shall be acquitted, return, or his disability be removed.

Sec. 13. Whenever the government shall be administered by the Lieutenant Governor, or he shall be unable to attend as President of the Senate, the Senate shall elect one of their own members as President for the time being. And if, during the vacancy of the office of Governor, the Lieutenant Governor shall die, resign, refuse to serve, or be removed from office, or be unable to serve, or if he shall be impeached, or absent from the State, the President of the Senate for the time being shall, in like manner, administer the government until he shall be succeeded by a Governor or Lieutenant Governor; the Lieutenant Governor shall, whilst he acts as President of the Senate, receive for his services the same compensation which shall be allowed to the Speaker of the House of Representatives, and no more, and during the time he administers the government as Governor shall receive the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. The President for the time being of the Senate shall, during the time he administers the government, receive in like manner the same compensation which the Governor would have received, had he been employed in the duties of his office. If the Lieutenant Governor shall be required to administer the government, and shall, whilst in such administration die, resign or be absent from the State during the recess of the Legislature it shall be the duty of the Secretary of State to convene the Senate for the purpose of choosing a President for the time being.

Sec. 14. There shall be a seal of the State, which shall be kept by

the Governor and used by him officially. The said seal shall be a star of five points, encircled by an olive and live oak branches, and the words "the State of Texas."

Sec. 15. All commissions shall be in the name and by the authority of the State of Texas, be sealed with the State Seal, signed by the Governor and attested by the Secretary of State.

Sec. 16. There shall be a Secretary of State, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall continue in office during the term of service of the Governor elect. He shall keep a fair register of all official acts and proceedings of the Governor, and shall when required, lay the same, and all papers, minutes and vouchers, relative thereto before the Legislature, or either House thereof, and shall perform such other duties as may be required of him by law.

Sec. 17. Every bill which shall have passed both houses of the Legislature shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large upon the journals, and proceed to reconsider it; if, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be reconsidered; if approved by two thirds of the members present of that House, it shall become a law; but in such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for or against the bill, shall be entered on the journals of each House respectively; if any bill shall not be returned by the Governor within five days, Sundays excepted, after it shall have been presented to him, the same shall be a law, in like manner, as if he had signed it. Every bill presented to the Governor one day previous to the adjournment of the Legislature, and not returned to the House in which it originated, before its adjournment, shall become a law, and have the same force and effect, as if signed by the Governor.

Sec. 18. Every order, resolution, or vote, to which the concurrence of both Houses of the Legislature may be necessary, except on questions of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him; or, being disapproved, shall be repassed by both Houses according to the rules and limitations prescribed in the case of a bill.

Sec. 19. The Governor, by and with the advice and consent of two-thirds of the Senate, shall appoint a convenient number of Notaries Public—not exceeding six for each county—who, in addition to such duties as are prescribed by law, shall discharge such other duties as the Legislature may, from time to time, prescribe.

Sec. 20. Nominations to fill all vacancies that may have occurred during the recess, shall be made to the Senate during the first ten days of its session. And should any nomination so made be rejected,

the same individual shall not again be nominated during the session to fill the same office. And should the Governor fail to make nominations to fill any vacancy, during the session of the Senate, such vacancy shall not be filled by the Governor until the next meeting of the Senate.

Sec. 21. The Governor shall reside, during the session of the Legislature, at the place where their sessions may be held, and all other times wherever, in their opinion, the public good may require.

Sec. 22. No person holding the office of Governor, shall hold any other office or commission, civil or military.

Sec. 23. A State Treasurer and Comptroller of public accounts shall be biennially elected by the joint ballot of both Houses of the Legislature, and in case of vacancy in either of said offices during the recess of the Legislature, such vacancy shall be filled by the Governor, which appointment shall continue until the close of the next session of the Legislature thereafter.

ARTICLE SIXTH.

MILITIA.

Sec. 1. The Legislature shall provide by law for organizing and disciplining the militia of this State, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States in relation thereto.

Sec. 2. Any person who conscientiously scruples to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

Sec. 3. No licensed minister of the Gospel shall be required to perform military duty, work on roads, or serve on juries in this State.

Sec. 4. The Governor shall have the power to call forth the militia to execute the laws of the State to suppress insurrections and to repel invasions.

ARTICLE SEVENTH.

GENERAL PROVISIONS.

Sec. 1. Members of the Legislature and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation: "I (A. B.) do solemnly swear, (or affirm,) that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____ according to the best of my skill

and ability, agreeably to the Constitution and Laws of the United States, and of this State; and I do further solemnly swear (or affirm,) that since the adoption of this Constitution by the Congress of the United States, I, being a citizen of this State, have not fought a duel with deadly weapons within this State or out of it; nor have I sent or accepted a challenge, or aided, advised, or assisted any person thus offending—so help me God.”

Sec. 2. Treason against this State, shall consist only in levying war against it, or in adhering to its enemies—giving them aid and comfort, and no person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

Sec. 3. Every person shall be disqualified from holding any office of trust or profit in this State, who shall have been convicted of having given or offered a bribe to procure his election or appointment.

Sec. 4. Laws shall be made, to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practice.

Sec. 5. Any citizen of this State, who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within the State or out of it, or who shall act as second, or knowingly aid and assist, in any manner, those thus offending, shall be deprived of holding offices of trust or profit under this State.

Sec. 6. In all elections by the people, the vote shall be by ballot, until the Legislature shall otherwise direct; and in all elections by the Senate and House of Representatives jointly or separately, the vote shall be given viva voce, except in the election of their officers.

Sec. 7. The Legislature shall provide by law, for the compensation of all officers, servants, agents and public contractors not provided for by this Constitution; and shall not grant extra compensation to any officer, agent, servant or public contractor, after such public service shall have been performed, or contract entered into for the performance of the same; nor grant by appropriation or otherwise, any amount of money out of the Treasury of the State, to any individual, on a claim real or pretended, where the same shall not have been provided for by pre-existing law. Provided, that nothing in this section shall be so construed as to affect the claims of persons against the Republic of Texas, heretofore existing.

Sec. 8. No money shall be drawn from the Treasury, but in pursuance of the specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years, except for purposes of education; and no appropriation for private or individual purposes of internal improvement, shall be made, without the concur-

rence of two-thirds of both Houses, of the Legislature. A regular statement and account of the receipts and expenditures of all public money, shall be published annually, in such manner as shall be prescribed by law. And in no case shall the Legislature have the power to issue Treasury Warrants, Treasury Notes, or paper of any description intended to circulate as money.

Sec. 9. All civil officers shall reside within the State; and all district or county officers, within their districts or counties; and shall keep their offices at such places therein, as may be required by law.

Sec. 10. The duration of all offices not fixed by this Constitution, shall never exceed four years.

Sec. 11. Absence on the business of this State, or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under the exceptions contained in this Constitution.

Sec. 12. The Legislature shall have power to provide for deductions from the salaries of public officers, who may neglect the performance of any duty that may be assigned them by law.

Sec. 13. No member of Congress, nor person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the Legislature, or hold or exercise any office of profit or trust under this State.

Sec. 14. The Legislature shall provide for a change of venue in civil and criminal cases; and for the erection of a Penitentiary at as early a day as practicable.

Sec. 15. It shall be the duty of the Legislature to pass such laws as may be necessary and proper to decide differences by arbitration, when the parties shall elect that method of trial.

Sec. 16. Within five years after the adoption of this Constitution, the laws civil and criminal, shall be revised, digested, arranged, and published in such manner as the Legislature shall direct; and a like revision, digest, and publication, shall be made every ten years thereafter.

Sec. 17. No Lottery shall be authorized by this State; and the buying or selling of Lottery Tickets within this State, is prohibited,

~~Sec. 18. No divorce shall be granted by the Legislature.~~

Sec. 19. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterwards by gift, devise, or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife, in relation as well as to her separate property, as that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

Sec. 20. The rights of property and of action which have been acquired under the Constitution and laws of the Republic of Texas, shall not be divested; nor shall any rights or actions which have been divested, barred, or declared null and void by the Constitution and laws

of the Republic of Texas, be reinvested, revived or reinstated by this Constitution; but the same shall remain precisely in the situation which they were before the adoption of this Constitution.

Sec. 21. All claims, locations, surveys, grants, and titles to land, which are declared null and void by the Constitution of the Republic of Texas, are, and the same shall remain forever null and void.

Sec. 22. The Legislature shall have power to protect by law, from forced sale, a certain portion of the property of all heads of families. The homestead of a family not to exceed two hundred acres of land, (not included in a town or city) or any town or city lot or lots, in value not to exceed two thousand dollars, shall not be subject to forced sale for any debts hereafter contracted; nor shall the owner, if a married man, be at liberty to alienate the same, unless by the consent of the wife, in such manner as the Legislature may hereafter point out.

Sec. 23. The Legislature shall provide in what cases officers shall continue to perform the duties of their offices, until their successors shall be duly qualified.

Sec. 24. Every law enacted by the Legislature, shall embrace but one object, and that shall be expressed in the title.

Sec. 25. No law shall be revised or amended by reference to its title; but in such case, the act revised, or section amended, shall be re-enacted, and published at length.

Sec. 26. No person shall hold or exercise at the same time, more than one civil office of emolument, except that of Justice of the Peace.

Sec. 27. Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law; except such property as two-thirds of both Houses of the Legislature may think proper to exempt from taxation. The Legislature shall have power to lay an income tax; and to tax all persons pursuing any occupation, trade, or profession. Provided, that the term occupation, shall not be construed to apply to pursuits either agricultural or mechanical.

Sec. 28. The Legislature shall have power to provide by law for exempting from taxation two hundred and fifty dollars worth of the household furniture, or other property belonging to each family in this State.

Sec. 29. The Assessor and Collector of Taxes, shall be appointed in such manner, and under such regulations as the Legislature may direct.

Sec. 30. No corporate body shall hereafter be created, renewed or extended, with banking or discounting privileges.

Sec. 31. No private corporation shall be created, unless the bill creating it, shall be passed by two-thirds of both houses of the Legislature; and two-thirds of the Legislature shall have power to revoke and repeal all private corporations, by making compensation for the franchise. And the State shall not be part owner of the stock, or property, belonging to any corporation.

Sec. 32. The Legislature shall prohibit by law, individuals from issuing bills, checks, promissory notes, or other papers to circulate as money.

Sec. 33. The aggregate amount of debts hereafter contracted by the Legislature, shall never exceed the sum of one hundred thousand dollars, except in case of war, to repel invasion, or suppress insurrections. And in no case shall any amount be borrowed, except by a vote of two-thirds of both Houses of the Legislature.

Sec. 34. The Legislature shall at the first session thereof, and may at any subsequent session, establish new counties for the convenience of the inhabitants of such new county or counties. Provided, that no new county shall be established, which shall reduce the county or counties, or either of them, from which it shall be taken, to a less area than nine hundred square miles, (except the county of Bowie,) unless by consent of two-thirds of the Legislature; nor shall any county be laid off of less contents. Every new county, as to the right of suffrage and representation, shall be considered as part of the county or counties from which it was taken, until entitled by numbers, to the right of separate representation.

Sec. 35. No soldier shall in time of peace, be quartered in the house, or within the enclosure of any individual, without the consent of the owner; nor in time of war, but in a manner prescribed by law.

Sec. 36. The salaries of the Governor and Judges of the Supreme and District Courts, are hereby fixed at the minimum established in the Constitution, and shall not be increased for ten years.

Sec. 37. Mode of amending the Constitution. — The Legislature, whenever two-thirds of each House shall deem it necessary, may propose amendments to this Constitution; which proposed amendments shall be duly published in the public prints of the State, at least three months before the next general election of Representatives, for the consideration of the people; and it shall be the duty of the several returning officers, at the next election, which shall be thus holden, to open a poll for, and make a return to, the Secretary of State, of the names of all those voting for Representatives, who have voted on such proposed amendments; and if thereupon it shall appear that a majority of all the citizens of this State, voting for Representatives, have voted in favor of such proposed amendments, and two-thirds of each House of the next Legislature, shall, after such election, and before another, ratify the same amendments by yeas and nays, they shall be valid to all intents and purposes, as parts of this Constitution: Provided, that the said proposed amendments shall at each of the said sessions, have been read on three several days in each House.

ARTICLE EIGHTH.

—
SLAVES.

Section 1. The Legislature shall have no power to pass laws for the emancipation of slaves, without the consent of their owners; nor without paying their owners, previous to such emancipation, a full equivalent in money, for the slaves so emancipated. They shall have no power to prevent emigrants to this State, from bringing with them such persons as are deemed slaves by the laws of any of the United States, so long as any person of the same age or description shall be continued in slavery, by the laws of this State: provided, that such slave be the bona fide property of such emigrants: provided, also, that laws shall be passed to inhibit the introduction, into this State, of slaves who have committed high crimes in other States or territories. They shall have the right to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a public charge. They shall have full power to pass laws, which will oblige the owners of slaves to treat them with humanity; to provide for them, necessary food and clothing; to abstain from all injuries to them, extending to life or limb; and in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves taken from such owner, and sold for the benefit of such owner or owners. They may pass laws to prevent slaves from being brought into this State as merchandize only.

Sec. 2. In the prosecution of slaves for crimes of a higher grade than petit larceny, the Legislature shall have no power to deprive them of an impartial trial by a petit jury.

Sec. 3. Any person who shall maliciously dismember or deprive a slave of life, shall suffer such punishment as would be inflicted, in case the like offence had been committed upon a free white person, and on the like proof, except in case of insurrection of such slave.

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ARTICLE NINTH.—
IMPEACHMENT.

Section 1. The power of impeachment shall be vested in the House of Representatives.

Sec. 2. Impeachments of the Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Comptroller, and of the Judges of the District Courts, shall be tried by the Senate.

Sec. 3. Impeachments of Judges of the Supreme Court, shall be tried by the Senate. When sitting as a Court of impeachment, the Senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the Senators present.

Sec. 4. Judgment in cases of impeachment, shall extend only to removal from office, and disqualification from holding any office of honor, trust or profit, under this State; but the parties convicted shall, nevertheless, be subject to indictment, trial, and punishment according to law.

Sec. 5. All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of the duties of their office during the pendency of such impeachment: the appointing power may make a provisional appointment, to fill the vacancy occasioned by the suspension of an officer, until the decision on the impeachment.

Sec. 6. The Legislature shall provide for the trial, punishment, and removal from office of all other officers of the State, by indictment or otherwise.

ARTICLE TENTH.

EDUCATION.

Section 1. A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, it shall be the duty of the Legislature of this State, to make suitable provision for the support and maintenance of public schools.

Sec. 2. The Legislature shall, as early as practicable, establish free schools throughout the State, and shall furnish means for their support, by taxation on property; and it shall be the duty of the Legislature to set apart not less than one-tenth of the annual revenue of the State derivable from taxation, as a perpetual fund, which fund shall be appropriated to the support of free public schools; and no law shall ever be made diverting said fund to any other use; and until such time as the Legislature shall provide for the establishment of such schools, in the several districts of the State, the fund thus created shall remain as a charge against the State, passed to the credit of the free common school fund.

Sec. 3. All public lands which have been heretofore, or which may hereafter be granted for public schools, to the various counties, or other political divisions in this State, shall not be alienated in fee, nor disposed of otherwise than by lease, for a term not exceeding twenty years, in such manner as the Legislature may direct.

Sec. 4. The several counties in this State, which have not received their quantum of lands, for the purposes of education, shall be entitled to the same quantity heretofore appropriated by the Congress of the Republic of Texas, to other counties.

ARTICLE ELEVENTH.

Section 1. All certificates for head right claims to lands issued to fictitious persons, or which were forged; and all locations and surveys thereon, are, and the same were null and void from the beginning.

Sec. 2. The District Courts shall be opened until the first day of July, one thousand eight hundred and forty-seven, for the establishment of head rights not recommended by the Commissioners appointed under the act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants; and the parties suing shall produce the like proof, and be subjected to the requisitions which were necessary and were prescribed by law, to sustain the original application for the said certificates; and all certificates above referred to, not established or sued upon before the period limited shall be barred; and the said certificates and all locations and surveys thereon, shall be forever null and void; and all relocations made on such surveys, shall not be disturbed until the certificates are established as above directed.

ARTICLE TWELFTH.

LAND OFFICE.

Section 1. There shall be one General Land Office in the State, which shall be at the seat of government, where all titles which have heretofore emanated, or may hereafter emanate from government, shall be registered. And the Legislature may establish from time to time, such subordinate offices as they may deem requisite.

ARTICLE THIRTEENTH.

SCHEDULE.

Section 1. That no inconvenience may arise from a change of separate National government to a State Government, it is declared, that all process which shall be issued in the name of the Republic of Texas, prior to the organization of the State Government, under this Constitution, shall be as valid as if issued in the name of the State of Texas.

Sec. 2. The validity of all bonds and recognizances, executed in conformity with the Constitution and laws of the Republic of Texas.

shall not be impaired by the change of government, but may be sued for and recovered, in the name of the Governor of the State of Texas; and all criminal prosecutions or penal actions, which shall have arisen prior to the organization of the State Government, under this Constitution, in any of the courts of the Republic of Texas, shall be prosecuted to judgment and execution in the name of said State. All suits at law and equity which may be depending in any of the Courts of the Republic of Texas, prior to the organization of the State Government under this Constitution, shall be transferred to the proper Court of the State, which shall have jurisdiction of the subject matter thereof.

All laws and parts of laws now in force in the Republic of Texas, which are not repugnant to the Constitution of the United States, the Joint resolutions for annexing Texas to the United States, or to the provisions of this Constitution, shall continue and remain in force as the laws of this State, until they expire by their own limitation, or shall be altered or repealed by the Legislature thereof.

Sec. 4. All fines, penalties, forfeitures and escheats, which have accrued to the Republic of Texas under the Constitution and laws, shall accrue to the State of Texas; and the Legislature shall, by law, provide a method of determining what lands may have been forfeited or escheated.

Sec. 5. Immediately after the adjournment of this Convention, the President of the Republic shall issue his proclamation, directing the Chief Justices of the several counties of this Republic, and the several Chief Justices and their associates, are hereby required to cause polls to be opened in their respective counties, at the established precincts, on the second Monday of October next, for the purpose of taking the sense of the people of Texas, in regard to the adoption or rejection of this Constitution; and the votes of all persons entitled to vote under the existing laws or this Constitution, shall be received. Each voter shall express his opinion by declaring by a "viva voce" vote for "the Constitution accepted," or "the Constitution rejected;" or some words clearly expressing the intention of the voter; and at the same time the vote shall be taken in like manner for and against annexation. The election shall be conducted in conformity with the existing laws regulating elections; and the Chief Justices of the several counties shall carefully and promptly make duplicate returns of said polls, one of which shall be transmitted to the Secretary of State of the Republic of Texas, and the other deposited in the Clerk's office of the County Court.

Sec. 6. Upon the receipt of the said returns, or on the second Monday of November next, if the returns be not sooner made, it shall be the duty of the President in the presence of such officers of his cabinet as may be present, and of all persons who may choose to attend, to compare the votes given for the ratification or rejection of this Constitution; and if it shall appear from the returns, that a majority of all

the votes given, is for the adoption of the Constitution, then it shall be the duty of the President to make proclamation of that fact, and thenceforth this Constitution shall be ordained and established as the Constitution of the State, to go into operation and be of force and effect from and after the organization of the State Government under this Constitution; and the President of this Republic is authorised and required to transmit to the President of the United States duplicate copies of this Constitution, properly authenticated, together with certified statements of the number of votes given for the ratification thereof, and the number for rejection, one of which copies shall be transmitted by mail, and one copy by a special messenger, in sufficient time to reach the seat of Government of the United States early in December next.

Sec. 7. Should this Constitution be accepted by the people of Texas, it shall be the duty of the President on or before the second Monday in November next, to issue his proclamation, directing and requiring elections to be holden in all the counties of this Republic on the third Monday in December next for the office of Governor, Lieutenant Governor, and members of the Senate and House of Representatives, of the State Legislature, in accordance with the apportionment of representation directed by this Constitution. The returns for members of the Legislature of this State, shall be made to the Department of State of this Republic; and those for Governor and Lieut. Governor, shall be addressed to the Speaker of the House of Representatives, endorsed "Election Returns of ——— county for Governor," and directed to the Department of State; and should, from any cause whatever, the Chief Justices of counties fail to cause to be holden any of the polls or elections, provided by this Constitution, at the times and places herein directed, the people of the precinct where such failure exists, are hereby authorised to choose managers, Judges and other officers, to conduct said elections.

Sec. 8. Immediately on the President of this Republic receiving official information of the acceptance of this Constitution by the Congress of the United States, he shall issue his proclamation, convening at an early day, the Legislature of the State of Texas, at the seat of Government established under this Constitution, and after the said Legislature shall have organized, the Speaker of the House of Representatives shall, in presence of both branches of the Legislature, open the returns of the elections for Governor and Lieutenant Governor, count and compare the votes, and declare the names of the persons who shall be elected to the offices of Governor and Lieutenant Governor, who shall forthwith be installed in their respective offices; and the Legislature shall proceed as early as practicable to elect Senators to represent this state in the Senate of the United States, and also provide for the election of Representatives to the Congress of the United States. The Legislature shall also adopt such measures as may be required to cede to the United States, at the proper time, all

public edifices, fortifications, barracks, ports, harbors, navy and navy yards, docks, magazines, arms and armaments, and all other property and means pertaining to the public defence, now belonging to the Republic of Texas; and to make the necessary preparations for transferring to the said United States all custom houses and other places for the collection of impost duties and other foreign revenues.

Sec. 9. It shall be the duty of the President of Texas immediately after the inauguration of the Governor, to deliver to him all the records, public money, documents, archives, and public property of every description whatsoever, under the control of the executive branch of the Government; and the Governor shall dispose of the same in such manner as the Legislature may direct.

Sec. 10. That no inconvenience may result from the change of government, it is declared that the laws of this Republic, relative to the duties of officers, both civil and military, of the same, shall remain in full force; and the duties of their several offices shall be performed in conformity with the existing law, until the organization of the Government of the State, under this Constitution, or until the first day of the meeting of the Legislature; that then the offices of President, Vice President, of the President's Cabinet, Foreign Ministers, Chargés, and agents and others repugnant to this Constitution, shall be superceded by the same; and that all others shall be holden and exercised, until they expire by their own limitation, or be superceded by the authority of this Constitution, or laws made in pursuance thereof.

Sec. 11. In case of any disability on the part of the President of the Republic of Texas to act as herein required, it shall be the duty of the Secretary of State of the Republic of Texas, and in case of disability on the part of the Secretary of State, then it shall be the duty of the Attorney General of the Republic of Texas, to perform the duties assigned to the President.

Sec. 12. The first general election for Governor, Lieutenant Governor, and members of the Legislature, after the organization of the Government, shall take place on the first Monday in November, one thousand eight hundred and forty-seven, and shall be held biennially thereafter on the first Monday in November, until otherwise provided by the Legislature, and the Governor and Lieutenant Governor elected in December next, shall hold their offices until the installation in office of the Governor and Lieutenant Governor to be elected in the year one thousand eight hundred and forty-seven.

Sec. 13. The ordinances passed by the Convention on the fourth day of July, assenting to the overtures for the annexation of Texas to the United States shall be attached to this Constitution, and form a part of the same.

Done in Convention by the Deputies of the people of Texas, at the City of Austin, this twenty-seventh day of August, in the year of our Lord one thousand eight hundred and forty-five.

In testimony whereof, we have hereunto subscribed our names.

THO. J. RUSK, President.

John D. Anderson,
James Armstrong,
Cavitt Armstrong,
R. E. B. Baylor,
R. Bache,
Isaac W. Brashear,
Geo. Wm. Brown,
James M. Burroughs,
B. C. Bagby,
John Caldwell,
William L. Cazneau,
Edward Clark,
A. S. Cunningham,
Philip M. Cuney,
N. H. Darnell,
James Davis,
Lemuel D. Evans,
G. A. Everts,
R. M. Forbes,
D. Gage,
John Hemphill,
J. P. Henderson,
A. W. O. Hicks,
Joseph L. Hogg,
A. C. Horton,
V. E. Howard,
S. Holland,
William L. Hunter,
Van R. Irion,
Henry J. Jewett,

Oliver Jones,
H. L. Kinney,
Albert H. Latimer,
John M. Lewis,
James Love,
P. O. Lumpkin,
Sam Lusk,
A. S. Lipscomb,
James S. Mayfield,
Alexander McGowan,
A. McNeil,
J. B. Miller,
Francis Moore, Jr.,
J. Antonio Navarro,
W. B. Ochiltree,
Isaac Parker,
James Power,
Emery Rains,
H. G. Runnels,
James Scott,
George W. Smyth,
Israel Standefer,
Charles B. Stewart,
E. H. Tarrant,
Isaac Van Zandt,
Francis M. White,
George T. Wood,
George W. Wright,
Wm. Cocke Young,

Attest,

JAS. H. RAYMOND,

Secretary of the Convention.

AN ORDINANCE.

Whereas, the Congress of the United States of America has passed resolutions providing for the annexation of Texas to that Union, which resolutions were approved by the President of the United States on the first day of March, 1845: And whereas, the President of the United States has submitted to Texas the first and second sections of the said resolutions, as the basis upon which Texas may be admitted as one of the States of said Union: And whereas, the existing government of the Republic of Texas has assented to the proposals thus made, the terms and conditions of which are as follow:—

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress doth consent that the territory properly included within and rightly belonging to the Republic of Texas may be erected into a new State, to be called the State of Texas, with a Republican form of Government, to be adopted by the people of said Republic, by deputies in Convention assembled, with the consent of the existing Government, in order that the same may be admitted as one of the States of this Union.

“2. And be it further Resolved, That the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit.

“First. Said State to be formed subject to the adjustment by this Government of all questions of boundary that may arise with other Governments, and the Constitution thereof, with the proper evidence of its adoption, by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty six.

“Second, Said State when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy-yards, docks, magazines, arms, armaments and all other property and means pertaining to the public defence belonging to the said Republic of Texas; shall retain all the public funds, debts, taxes, and dues of every kind which may belong to or be due and owing said Republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of debts and liabilities of said Republic of Texas, and the residue of said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States.

“Third. New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having a sufficient population, may hereafter, by the consent of said State, be formed, out of the

territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of thirty six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited."

Now, in order to manifest the assent of the people of this Republic, as required in the above recited portions of the said resolutions, we, the Deputies of the people of Texas in Convention assembled, in their name and by their authority, do ordain and declare, that we assent to, and accept the proposals, conditions and guarantees contained in the first and second sections of the resolutions of the Congress of the United States aforesaid.

THOS. J. RUSK, President.

Attest,

JAMES H. RAYMOND,

Secretary of the Convention.

AN ORDINANCE.

Whereas, various contracts have been entered into by the President of the Republic of Texas, with divers individuals, with the expressed intention of colonizing an enormous amount of the public domain of Texas; and

Whereas, it is believed that said contracts are unconstitutional, and therefore, void from the beginning, and if carried out would operate as a monopoly of upwards of seven millions of acres of the public domain of Texas, in the hands of a few individuals—when, in truth, the citizen soldiers and creditors of the Republic of Texas had, by the laws and Constitution of said Republic, a clear and indisputable previously subsisting right to locate upon the public domain thus attempted to be assigned to said contractors:—

Sec. 1. Therefore it is hereby ordained and declared, That it shall be the duty of the Attorney General of this State, or the District Attorney of the District in which any portion of the colonies may be situate, as soon as the organization of the State shall be completed, to institute legal proceedings against all colony contractors who have entered into contracts with the President of Texas; and if, upon such investigation, it shall be found that any such contract was unconstitutional, illegal or fraudulent, or that the conditions of the same have not been complied with according to its terms, such contract shall be adjudged and decreed null and void: provided, however, that all actual settlers under any such contract, shall be entitled to their quantity of land as colonists—not to exceed six hundred and forty acres to the head of a family, and three hundred and twenty acres to a single man. And in all suits brought by or against any contractors, or any person claiming under, by or through them, or either of them, it shall be lawful for the adverse claimant to set forth any plea that it would have been competent for the State to plead; and the party may introduce testimony to prove the claim or title to have been forfeited, as well for frauds, or illegality, or unconstitutionality, as on account of a failure to comply with the conditions of the original grant or contract; and any such pleas shall be deemed good and valid in law, in all such suit or suits in this State.

Sec. 2. Be it further ordained, That the Legislature is hereby restrained from extending any contract for settling a colony, and from relieving any contractor from the failure of the conditions, or the forfeiture accruing from non-compliance with the contract.

Sec. 3. And be it further ordained, That this Ordinance shall be presented to the people for their adoption or rejection, at the same time that this Constitution shall be presented to them, and the returns of the votes taken on this Ordinance shall be made to the office of the Sec-

retary of State of the Republic of Texas, at the same time the votes for the Constitution may be returned.

Adopted in Convention, this twenty-seventh day of August, one thousand eight hundred and forty-five.

THOS. J. RUSK, President.

Attest,

JAMES H. RAYMOND,

Secretary of the Convention.

L A W S

PASSED BY

THE FIRST LEGISLATURE

OF

THE STATE OF TEXAS

PUBLISHED BY AUTHORITY.

AUSTIN.
1846



L A W S

OF

THE STATE OF TEXAS.

AN ACT

To provide for the election of Representatives to the Congress of the United States.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the territory comprised within the limits of the following named counties, shall compose the first Congressional District of the State of Texas, until otherwise provided by law; and shall elect one Representative to the Congress of the United States, to wit: The counties of Fannin, Lamar, Red River, Bowie, Harrison, Shelby, Jefferson, Jasper, Rusk, Sabine, San Augustine, Liberty, Houston and Nacogdoches.

Sec. 2. Be it further enacted, That all the territory comprised within the limits of the following named counties, shall compose the second Congressional District of the State of Texas, until otherwise provided by law; and shall elect one Representative to the Congress of the United States, to wit: The counties of Robertson, Brazos, Montgomery, Harris, Galveston, Brazoria, Fort Bend, Matagorda, Jackson, Victoria, Austin, Colorado, Fayette, Gonzales, Travis, Bastrop, Washington, Bexar, Goliad, Refugio, San Patricio and Milam.

Sec. 3. Be it further enacted, That immediately after the passage of this act, it shall be the duty of

the Governor to issue his proclamation directed to the Chief Justices, or Sheriffs, should there be no Chief Justices, of the several counties in the first and second Congressional Districts aforesaid, requiring them to hold elections at the established precincts in their counties for a Representative from their respective districts to the twenty-ninth Congress of the United States, and said election shall be holden in each Congressional District on Monday, being the thirtieth day of March, 1846; and shall be conducted in conformity with the Constitution of the State, and the existing laws regulating elections.

Election re-
turns trans-
mitted.

Sec. 4. Be it further enacted, That it shall be the duty of the Chief Justices of the several counties, or in case of vacancy in their offices, of the Associate Justices, promptly to make duplicate sealed returns of the elections, one of which, shall be transmitted to the office of the Secretary of State, endorsed "Election returns of _____ county, for Representative to the Congress of the United States," and the other deposited in the Clerk's office of the County Court.

Election re-
turns opened.

Sec. 5. Be it further enacted, That on the twenty-third day of April, 1846, it shall be the duty of the Secretary of State, in the presence of the Governor and Attorney General, to open and count the returns for Representatives to Congress, received at the Secretary of State's office; and the Governor shall deliver a certificate of election to the person receiving, according to the returns, the highest number of votes in each district; provided, however, that if before the said 23rd day of April, the returns from all the counties in each Congressional District be received, then the votes may be counted and the certificates of election delivered as herein provided.

Failure of
election.

Sec. 6. Be it further enacted, That if from any cause the Chief Justices of counties, or their Associates, should fail to cause to be holden the elections herein provided for, the people of the precinct where such failure exists, are hereby authorized to choose managers, judges, and other officers to con-

duct said elections according to law, and make returns of the same.

Sec. 7. Be it further enacted, That if a vacancy should occur in the office of Representative to the Congress of the United States by death, resignation, or otherwise, it shall be the duty of the Governor to issue his proclamation at an early day, ordering an election to fill the vacancy.

Sec. 8. Be it further enacted, That the election of Representatives to Congress, after the first election and until the next apportionment, shall be held at the same time and places that the biennial elections for members to the Legislature are held; and that this act take effect from and after its passage.

Approved, February 28th, 1846.

AN ACT

To provide an appropriation for the payment of the mileage and per diem pay of the members of the Legislature of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of fifteen thousand dollars be, and the same is hereby appropriated for the payment of the mileage and per diem pay of the members of the Legislature of the State of Texas; also, for the payment of the per diem pay of the officers attendant thereon.

Sec. 2. Be it further enacted, That the Treasurer be, and he is hereby authorized and required to pay all drafts which shall be drawn by the Speaker of the House of Representatives, attested by the Chief Clerk of said House, and all drafts which may be drawn by the President of the Senate, attested by the Secretary of the same, for the payment of the mileage and per diem pay of the members of each House of said Legislature, and the per diem pay of the officers attendant thereon, out of any monies in the Treasury appropriated by this

act; and that this act take effect from and after its passage.

Approved, March 13th, 1846.

AN ACT

To postpone the holding of the District Courts in the several Judicial Districts.

Section 1. Be it enacted by the Legislature of the State of Texas, That the regular terms of the District Courts be, and they are hereby postponed until further provided by law.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved March 14th, 1846.

AN ACT

Better to define the boundary of Fannin County.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act, the county of Fannin be, and the same is hereby bounded as follows, to wit: Beginning on Red River at the mouth of Bois D'Arc Creek; thence up the same to the crossing thereof, at the late residence of Carter Clift deceased; thence south with the line established by John D. Black, County Surveyor of Fannin county, to the south-west corner of Lamar county; thence south eighty degrees west, to a point due south of the mouth of Choctaw Bayou; thence north to Red River at the mouth of said Bayou; thence, down Red River to the beginning.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved March 14th, 1846.

AN ACT

To create the County of Grayson.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the territory included within the following limits in the county of Fannin, to wit: Beginning on Red River at a point when reduced to a straight line, thirty miles west of the eastern boundary line of Fannin county; thence south twenty-five miles; thence west thirty-five miles; thence north to Red River; thence down said river as it meanders to the beginning, be, and the same is hereby created a new county, to be known and called by the name of Grayson. ^{Territory defined.}

Sec. 2. Be it further enacted, That the inhabitants residing within said limits shall be entitled to all the rights, privileges, and immunities enjoyed by the inhabitants of the several counties in the State, except as to the right of separate representation and a separate land district, for which purpose the new county aforesaid shall be considered a part of Fannin county until entitled by numbers to separate representation. ^{Rights and privileges.}

Sec. 3. Be it further enacted, That the county of Grayson, shall exercise jurisdiction over all the territory embraced within the following limits, to wit: Beginning at the south-west corner of Grayson county; thence west to a point south of the source of the upper Washita; thence north to Red River; thence down the same to the north-west corner of said county of Grayson. ^{Jurisdiction.}

Sec. 4. Be it further enacted, That James Thompson, James B. Shannon, George C. Dugan, Richard McIntyre and Micajah C. Davis, be, and they are hereby appointed commissioners, whose duty it shall be to find the centre of said county, and select two places within three miles of said centre, having due respect to donations that may be offered of land, or other property for a town site for the use of said county. The commissioners shall then proceed to hold elections at the precincts ^{Commissioners appointed.}

Location of
county site.

in said county; and the place receiving the greatest number of votes, shall be the county seat of said county, and the place so selected shall be known and called by the name of Sherman; after which, the commissioners shall proceed to lay off a town, and sell the lots therein on a credit of twelve months; and after reserving one dollar per day each, for each and every day they may be required to serve as commissioners—appropriate the remainder of the proceeds arising from such sale to the erection of the necessary public buildings for the use of the county.

Sec. 5. Be it further enacted, That this act take effect from and after its passage.

Approved 17th March, 1846.

AN ACT

To create the County of Leon.

Territory de-
fined.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that territory included in the following bounds, and being in the limits of Robertson county, to wit: Beginning on the west bank of the Trinity river where the San Antonio road crosses the same; thence up the west bank of said river to the north-east corner of A. W. Cooke's and the south-east corner of D. M. Brown's survey, as represented on the map of the county of Robertson; thence south, sixty-one and a half degrees west, to the Navasota river; thence down the east bank of the said river with its meanderings to the point where the San Antonio road crosses the same; thence with said road with its meanderings to the place of beginning, be, and the same is hereby created into a new county to be known and called by the name of Leon.

Jurisdiction.

Sec. 2. Be it further enacted, That the inhabitants residing in the limits defined in the preceding section, shall be entitled to all the rights, privileges,

and immunities enjoyed by the inhabitants of the several counties of the State, except having a separate representation in the Legislature, and a separate land district; and the citizens of the said county of Leon, shall vote with the citizens of Robertson for Senators and members to the House of Representatives in the Legislature, until such time as the said county of Leon, shall be entitled to a separate representation; and that the said county of Leon shall pay the one-fifth part of the debt of the county of Robertson, and that debt to be ascertained by commissioners to be appointed by each county court.

Sec. 3. Be it further enacted, That this act shall take effect and be in force from and after its passage.

Approved 17th March, 1846.

JOINT RESOLUTION

Concerning the protection of the Frontier.

Whereas, the State of Texas has an extensive and unprotected frontier; and whereas, Texas has merged her former independence and sovereignty in that of the United States, with the confident hope that the protecting arm of that great Republic would be freely extended over her citizens: Senators instructed and Representatives requested.

Therefore, Sec. 1. Be it resolved by the Legislature of the State of Texas, That the Senators in Congress from the State of Texas be, and they are hereby instructed, and the Representatives from said State are requested to use their best exertions to obtain appropriations sufficient to afford adequate protection to the frontier of the State.

Sec. 2. Be it further resolved, That the Governor transmit to each of our Senators a copy of the foregoing resolution.

Approved 19th March, 1846.

AN ACT

Defining the duties of State Treasurer.

Bond re-
quired.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first Treasurer of the State of Texas, shall, within twenty days from and after the passage of this act, and every subsequent State Treasurer, shall within twenty days after he shall have received notice of his election, and before he enters upon the duties of his office, give a bond payable to the Governor of the State of Texas, and his successors in office, for the use of the State, in the sum of seventy-five thousand dollars, with not less than six good securities to be approved of by the Governor of the State of Texas; conditioned that he will faithfully execute the duties of his office; and shall take and subscribe the oath prescribed by the Constitution, which, together with the bond shall be deposited in the office of the Secretary of State, which said bond shall not be void on the first recovery of part, or of the whole of the penalty; but shall thereafter continue in force, for the whole amount of the penalty thereof, and may be sued on from time to time, and shall be deemed to extend to the faithful performance of the duties of his trust, and until his successor shall be duly qualified and shall have entered upon the duties of his office.

Treasurer to
receive the
public funds.

Sec. 2. Be it further enacted, The Treasurer shall receive on the warrants of the Comptroller of public accounts, all monies, which shall from time to time be paid into the Treasury of the State, receipting for the same upon duplicate and triplicate warrants, which duplicate shall be deposited with the Comptroller, and the triplicate given to the person depositing such monies.

Shall pay war-
rants.

Sec. 3. Be it further enacted, The Treasurer shall countersign and pay all warrants drawn by the Comptroller of Public Accounts on the Trea-

sure, which are authorized by law, and no monies shall be paid out of the Treasury except on the warrants of the Comptroller.

Sec. 4. Be it further enacted, He shall keep true, Keep accounts. regular and methodical accounts of the receipts and expenditures of the public monies of the Treasury, and close his accounts annually on the 31st day of October, with the proper and legal vouchers for the same, distinguishing between the receipts and disbursements of each fiscal year.

Sec. 5. Be it further enacted, He shall provide at the expense of the State, all necessary books for the proper Procure books. keeping of the accounts of the Treasury; and he shall open therein an account in the name of the State of Texas, in which he shall enter the amounts of all monies, securities and other property in the Treasury, and which may at any time be received by him; and shall state distinctly, the several sources from which the revenue is derived, and the amount received from each.

Sec. 6. Be it further enacted, He shall also open an account in the Treasury for all appropriations of money made by law, so that the appropriations and the application in pursuance thereof, may clearly and distinctly appear.

Sec. 7. Be it further enacted, The Treasurer shall Treasurer shall report to the Governor. exhibit to the Governor on the first Monday of December, of each year, and at such other times as he shall require, an exact statement of the condition and situation of the Treasury, and of the balance of money remaining therein to the credit of the State, with a summary of the receipts and payments of the Treasury during the preceding year, or for such other period of time as may be specially required; and shall exhibit all books, papers, vouchers, and all other matters pertaining to his office, for the examination of the Legislature, or either branch thereof; or any committee which may be by them appointed, whenever required by them so to do.

Sec. 8. Be it further enacted, The Treasurer shall, at the close of his term of office, deliver into the possession of his successor, the monies, securities, and all other property of the State, together with the books, vouchers, papers, and evidences of property in his possession, and all other matters and things which pertain to the office of State Treasurer.

Sec. 9. Be it further enacted, The Treasurer shall procure a strong iron safe or safes, in which shall be deposited all monies or dues received by him on account of the State.

Sec. 10. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved 19th March, 1846.

AN ACT

To direct the mode of voting in all popular Elections.

Section 1. Be it enacted by the Legislature of the State of Texas, That at all popular elections, holden hereafter in this State, each voter shall express his preference at the polls by a viva voce vote.

Sec. 2. Be it further enacted, That all laws contrary to, or in conflict with this act, are hereby repealed, and that this act take effect and be in force from and after the first day of June next.

Approved 19th March, 1846.

AN ACT

Appropriating three thousand dollars for the contingent expenses of both Houses of the Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of three thou-

sand dollars be, and the same is hereby appropriated to pay the contingent expenses of both Houses of the Legislature.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved 19th March, 1846.

AN ACT

To create the county of Comal.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the territory comprised within the limits hereinafter described, shall compose a new county, to be called the county of Comal, to wit: Beginning at a point on the east bank of the Cibolo river, Bexar county, where the lower line of N. Michilis' league (No. 114) crosses the same; thence running in a direct line to the south-west corner of survey No. 21, Class 3, made for the heirs of John Thompson; thence with the south line of said league, North 65 deg. East, to its lower corner, on the bank of the Guadalupe river; thence up said river with its meanders to the corner of Guadalupe county, on the east bank of said river; thence with the north line of the county of Guadalupe, to its corner, North 50 deg. West from the S. W. corner of Musgrove's survey; thence running North 50 deg. West, 70,000 varas; thence South 54 deg. West to the Guadalupe river; thence South to the Cibolo; thence down the same with its meanders to the place of beginning.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, March 24th, 1846.

AN ACT

To establish the Seat of Justice of the county of Guadalupe.

Section 1. Be it enacted by the Legislature of the State of Texas, That the town of Seguin is declared the Seat of Justice of the county of Guadalupe.

Sec. 2. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, 24th March, 1846.

AN ACT

To establish the County Seat of the county of Comal.

Section 1. Be it enacted by the Legislature of the State of Texas, That the town of Braunfels, at the junction of the Comal and Guadalupe rivers, be, and the same is hereby established as the county seat of said county.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, 24th March, 1846.

AN ACT

To locate the County Seat of De Witt county.

Section 1. Be it enacted by the Legislature of the State of Texas, That ——— Troy, James M.

Baker, L. B. Friar, James Blair, and Andrew Lockhart, be, and the same are hereby appointed commissioners, to locate the county seat of De Witt county.

Sec. 2. Be it further enacted, That the said commissioners shall select some place, not more than five miles distant from the centre of said county, which place so selected, shall be the county seat until otherwise provided for by law; and a majority of said commissioners concurring, shall be competent to transact all business for which said commissioners were created.

Sec. 3. Be it further enacted, The commissioners aforesaid, are hereby authorized and empowered to receive any lands that may be donated to said county, or purchase such lands as they may deem proper, for the location of said county seat, not to exceed six hundred and forty acres in quantity, which land shall be disposed of by the County Court for county purposes.

Sec. 4. Be it further enacted, That this act be in force from and after its passage.

Approved 24th March, 1846.

AN ACT

To define the boundaries of the County of Fort Bend.

Section 1. Be it enacted by the Legislature of the State of Texas, That the boundary lines of the county of Fort Bend, shall hereafter be as follows: Beginning on Buffalo Bayou at the old crossing, where the counties of Harris and Austin, corner; thence, in a direct line to the south-east corner of William Cooper's tract of land on the Brazos river; thence, along the lower line of said tract to the Brazos river; thence, across said river

and up its right bank to the mouth of Sixteen-mile Creek; thence, up said creek to its source; thence, in a direct line to the south-east corner of Gabriel Cole's land, it being a part of the league originally granted to Charles Baird; thence, along the lower line of said land to the San Bernard river; thence, down said river to the north-west corner of the league of land, on the east bank of the Bernard river, granted to Prater; thence, along the upper line of said league, to its north-east corner; thence, down the back line of said league, to the north-west corner of the league of land granted to A. Durst; thence, along the upper line of said league, to its north-east corner; thence, in a direct line to the head of the south prong of Cow Creek; thence, down said creek to its mouth, crossing the Brazos river; thence, up the east bank of said river to the north-west corner of the league of land granted to F. Bingham; thence, along the upper line of said league to its north-east corner; thence, along the Brazoria county line, eastwardly to the distance of three leagues; thence, to the head of Bray's Bayou; thence, in a direct line to the place of beginning.

Sec. 2. Be it further enacted, That all laws conflicting with the provisions of this act, be, and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved March 24th, 1846.

AN ACT

To organize the County of Burleson.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that portion of territory, comprehended within the following limits: Beginning on the Brazos river, with the north-east

corner of a league of land in the name of H. E. Davis, known on the map of Milam county as league No. 6, below Nashville, running from thence, south, sixty degrees west, to the eastern line of Bastrop county; thence, with the line of Bastrop county, in a south-easterly direction to the old San Antonio road; thence, along said road in a north-eastwardly direction to the Southern or third fork of the Yegua; thence, down said stream to its junction with the eastern forks of the Yegua; thence, down the Yegua to its junction with the Brazos; thence, up the Brazos with the boundaries of the counties of Brazos and Robertson, to the beginning, be, and the same is hereby declared to be a separate county, to be known and styled the county of Burleson.

Sec. 2. Be it further enacted, That the town of Caldwell, which is now the temporary county seat of Milam county, shall be the county seat of Burleson county; and all liabilities due on contracts, made by authority of Milam county, for the town of Caldwell, or creating any public improvements thereon, shall be paid by the county of Burleson, and all debts, dues for town property or privileges in said town now due to Milam county, shall be payable to the county of Burleson.

Sec. 3. Be it further enacted, That the Chief Justice of Milam county, and in case of his failure to act, the Associates, or in case of their failure, the Sheriff shall order and cause to be holden an election for county officers, at such time as general elections may be ordered by law, for like officers in other counties, and the officers of Milam county shall continue their jurisdiction over the territory of Burleson, until the officers of Burleson county shall be installed into office.

Sec. 4. Be it further enacted, That the county Surveyor of Milam, shall run and mark the line between the county of Burleson and Milam, for which he shall receive such compensation as is

now fixed by law, one half to be paid by each of the two counties respectively.

Approved 24th March, 1846.

AN ACT

To create a new County out of part of the Counties of Gonzales, Victoria and Goliad, to be called the County of De Witt.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the territory comprised within the limits hereinafter prescribed, shall form and compose a new county, to be called the county of De Witt, to wit: Beginning at the lower corner of a survey of one fourth of a league of land, granted to Jesse McCoy, standing on the north-east bank of the Guadalupe river, in Gonzales county; thence, running north, fifty-one degrees east, seven thousand three hundred varas; thence, running south, thirty-nine degrees east, forty-seven thousand varas; thence, running south, fifty-one degrees west, seventy-two thousand varas; thence, running north, thirty-nine degrees west, forty-seven thousand varas; thence, running north, fifty-one degrees east, to the place of beginning.

Sec. 2. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved March 24th, 1846.

AN ACT

To define the boundaries of the County of Brazoria.

Section 1. Be it enacted by the Legislature of the State of Texas, That the boundary lines of

the county of Brazoria shall hereafter be as follows: Beginning at the entrance of Cedar Lake into the Gulf of Mexico; thence, up said lake to the upper line of the league of land, granted to G. Harrison; thence, west to Linnville Bayou; thence, up said Bayou to its source; thence, in a direct line to the north-west corner of a league of land granted to Carson; thence, along the upper line of said league, to the south-west corner of a league of land granted to Shipman and Charles; thence, up the back line of said league to its north west corner; thence, along the upper line of said league, to the south-west corner of a league of land, granted to Garrett; thence, up the back line of said league to its north-west corner; thence, along the upper line of said league to the San Bernard river; thence, up said river to the north-west corner of the league of land on the east bank of said river, granted to Prater; thence, along the upper line of said league to its north-east corner; thence, down the back line of said league, to the north-west corner of the league of land granted to A. Durst; thence, along the upper line of said league to its north east corner; thence, in a direct line to the head of the south prong of Cow Creek; thence, down said creek to its mouth, crossing the Brazos river; thence, up the east bank of said river to the north-west corner of a league of land granted to Bingham; thence, along the upper line of said league to its north-east corner; thence, in a direct line to a point where Clear Creek, near its source, crosses the upper line of a tract of land granted to W. R. Perry; thence down Clear Creek to a point where it crosses the lower line of a league of land granted to W. D. C. Hall; thence, in a direct line to the head of Dickinson's Bayou; thence, to a point on West Bay, at an equal distance between Chocolate Bayou and Highland Bayou; thence, following with the bay and through the pass dividing San Luis and Galveston Islands to the Gulf of Mexico; thence, westwardly along the shore of the Gulf to the place of beginning.

Sec. 2. Be it further enacted, That all laws conflicting with the provisions of this act, be, and the same are hereby repealed, and this act shall

take effect and be in force from and after its passage.
Approved, March 24th, 1846.

AN ACT

To create the County of Anderson.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that portion of territory comprised in the following limits, constitute a new county to be called the County of Anderson, to wit: Beginning at a place in the county of Houston, known as Houston Mound, about one mile north of Murchison's prairie; thence, westwardly by a direct line running through the old Ionie village, on the North Elkhart Creek, to the Trinity river; thence, beginning again at Houston's Mound, continuing said direct line eastwardly to the Neches river; thence, up said river with the meanders thereof, to the north-east corner of John Ferguson's league of land; thence, by a direct line parallel to the first above named line, to the Trinity river; thence, down said river with the meanders thereof, to the intersection of said first named line with the Trinity river.

Sec. 2. Be it further enacted, That the inhabitants of said county shall be entitled to all the privileges and immunities in common with other counties of this State, except the right of electing a separate county surveyor, the right of having a separate land district, and the right of separate representation, until entitled by numbers.

Sec. 3. Be it further enacted, That Samuel G. Wells, Esq., be, and he is hereby authorized and required as soon as practicable after the passage of this act, to order an election for the Commissioners, giving at least ten days notice thereof, in writing, to be posted up at two or more of the most public places in each magistrate's jurisdiction, the election

to be held and managed according to law, and the three individuals voted for, having the highest number of votes, shall be authorized to fill said commission.

Sec. 4. Be it further enacted, That the said commissioners when so elected, shall have power to select a place for the location of the county seat for said county, having due regard to the general interest of the people of said county, and to receive donations for county purposes, to purchase if necessary for the use of said county, a tract of land not exceeding one hundred acres, on which to place the public buildings for said county; to have laid off, and dispose of any portion of said lot of land, the proceeds to be applied to the building of a court house and jail; and after paying the incidental expenses, said buildings and the county fund thus raised, to be under the direction of the county court, to whom the fund thus raised shall be turned over by the commissioners.

Sec. 5. Be it further enacted, That the county officers of said county, shall be elected in accordance with the law on this subject made and provided.

Sec. 6. Be it further enacted, That the said county of Anderson, shall be held responsible for the payment of its equitable proportion of the now existing debt of the county of Houston, from which said county is stricken.

Sec. 7. Be it further enacted, That in no event shall the county seat of said county be located more than three miles from the centre of said county, and that this act take effect from and after its passage.

Approved, March 24th, 1846.

AN ACT

To enable the County Surveyor of Rusk county to make a complete map of said county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Surveyors

of the counties of Shelby and Nacogdoches, are required to furnish the County Surveyor of the county of Rusk with a copy of the field notes of so much of their respective counties, as has been taken for the purpose of creating the county of Rusk.

Sec. 2. Be it further enacted, That the Commissioner's Court of the county of Rusk be, and is hereby authorized and compelled to pay out of any unappropriated monies that may be in the treasury of said county, a reasonable compensation to the surveyors of Shelby and Nacogdoches counties, for making out and handing over to the surveyor of Rusk county, a transcript of said field notes and surveys.

Sec. 3. Be it further enacted, That this act take effect from and after its passage.

Approved, March 24th, 1846.

AN ACT

To provide for fixing the Seat of Justice of the county of Austin.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second Saturday of May, one thousand eight hundred and forty six, be fixed as the day for holding an election in the county of Austin, for the selection of a suitable place for the permanent location of the county seat of justice of said county, and it shall be the duty of the Chief Justice of said county to give public notice of the same, in writing, to be posted up at the different precincts, immediately after the passage of this act, and to issue writs of election to the different precincts at least ten days prior to said election.

Sec. 2. Be it further enacted, That it shall be the duty of the said Chief Justice to receive and make public, in writing, posted up at the different

precincts, such propositions as may be offered by the citizens of the county, as inducements in favor of the selection of places recommended as suitable locations for the county seat of said county.

Sec. 3. Be it further enacted, That the propositions submitted to the Chief Justice, in compliance with the second section of this act, shall be in the shape of penal bonds, and shall be collected at the suit of said Chief Justice, or his successor in office, in the District Court, for the use of the county, and the proceeds applied to the erection of county buildings.

Sec. 4. Be it further enacted, That the election for said county seat, shall be conducted in conformity with the existing laws regulating elections, and the returns made to the Chief Justice, in ten days after the election, who shall declare the place receiving the highest number of votes to be the legal seat of justice of said county: Provided, any one place shall have received a majority of all the votes polled at said election; but in the event no one place shall have received the majority as aforesaid, then, and in that case, it shall be the duty of the Chief Justice to proceed to order another election, after giving notice as in the first instance, (putting in nomination the two places that have received the greatest number of votes,) which shall be conducted, and returns made as heretofore provided, and the place then receiving the highest number of votes shall be declared the county seat of justice.

Sec. 5. Be it further enacted, That John P. Shelbourne, J. Harris Catlin, John W. Collins, William Bradberry, R. R. Peebles, William Cooper, Louis Kleberg, Oliver Jones and Doctor William Matthews, of whom three may constitute a quorum to do business, shall be, and they are hereby appointed commissioners to lay out and sell lots, if necessary, and to superintend the carrying out of such propositions as may have been made in behalf of the location selected, and report to the Chief Justice whether or not the bonds containing proposition, in favor of said selected place, have been strictly complied with by the makers and obligors of the same.

Sec. 6. Be it further enacted, That as soon as the county buildings are received by the commissioners and reported to the Chief Justice, the Clerks of the District and County Courts, Sheriff and County Surveyor, shall remove their offices and papers to the place selected as the county seat, and all Courts, thereafter, shall be held at the said county seat.

Sec. 7. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, March 25th, 1846.

AN ACT

To create the County of Hopkins.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that territory included within the counties of Lamar and Nacogdoches, to wit: Beginning at the south-west corner of Lamar county, on the line of Fannin county, as established by John D. Black, County Surveyor of Fannin county, thence, south thirty miles—thence, east to a point due south of the east boundary line of Lamar county — thence, north thirty miles—thence, west with the southern boundary of Lamar county to the beginning, be, and the same is hereby created a new county, to be known and called by the name of Hopkins.

Sec. 2. Be it further enacted, That the inhabitants residing within said limits shall be entitled to all the rights and privileges enjoyed by the inhabitants of the several counties in this State, except as to the right of separate representation and a separate land district. The inhabitants of said county shall severally be considered as attached to the county from which they were taken until entitled by numbers to separate representation.

Sec. 3. Be it further enacted, That James E. Hopkins, Robert Hargrove, James Ward, William

Wilkins and ——— Barker, be, and they are hereby appointed commissioners, whose duty it shall be to find the centre of said county, and select two places within three miles of said centre, having due respect to donations that may be offered by individuals, of land or other property, for a town site for the use of the county. The commissioners shall then proceed to hold an election, and the place receiving the greatest number of votes shall be the county seat of said county; and the place so selected shall be known and called by the name of Tarrant. After which the commissioners shall proceed to lay off a town and sell the lots therein at public auction, on a credit of twelve months; and all the proceeds arising from the sale of lots, or other donations, shall be applied by the commissioners herein created, to the erection of public buildings for the use of the county, reserving to themselves one dollar per day each, for each and every day they may be required to serve as such commissioners.

Sec. 4. Be it further enacted, That this act take effect from and after its passage.

Approved, 25th March, A. D. 1846.

AN ACT

Authorizing the Governor of the State of Texas to cede and transfer to the United States all of the property of what description soever embraced in and contemplated by the joint resolution of both Houses of the Congress of the United States, approved 1st of March, 1845, and the 8th section of the 13th article of the Constitution of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor thereof be, and hereby is, authorized and fully empowered to cede, transfer and deliver over to the United States, or any agent or agents by them appointed,

by such instrument, in writing or other means, as he may deem proper and necessary, all the public edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks, magazines, arms and armaments, and all other property and means, pertaining to the public defence, belonging formerly to the Republic, now the State, of Texas.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

Approved, March 25th, 1846.

AN ACT

To authorize parties to suits to appear therein in person.

Section 1. Be it enacted by the Legislature of the State of Texas, That in all suits hereafter pending in any Court in this State either plaintiff or defendant shall be permitted to appear therein in person and prosecute or defend the same.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Passed, March 31, 1846.

AN ACT

Creating the County of Dallas.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that territory included within the following limits, in Robertson and Nacogdoches counties, to wit: Beginning on the southern boundary line of Fannin county, three miles east of the eastern boundary of Peters' colony grant; thence, south thirty miles; thence, west

thirty miles; thence, north thirty miles to Fannin county line; thence, east with said line to the beginning, be, and the same is hereby created a new county to be known and called by the name of Dallas.

Sec. 2. Be it further enacted, That the inhabitants residing within said limits, shall be entitled to all the rights and privileges enjoyed by the inhabitants of the several counties in the State, except as to the right of separate representation, until entitled by numbers to separate representation, and the rights of having a separate land district.

Sec. 3. Be it further enacted, That this act shall take effect from and after its.

Approved, March 30th, 1846.

AN ACT

Creating the County of Polk.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that territory now belonging to Liberty county, included within the following limits, to wit: Beginning on the east side of Trinity river, at the mouth of Menard's Creek, and running from thence east, eighteen miles; thence, in a northerly direction to the south boundary line of Houston county, crossing the road leading from Swartwout to Bell's ferry, two miles west of Peter Cauble's; thence, west along the Houston county line to the Trinity river; thence, in the same direction until it strikes the eastern boundary line of Montgomery county; thence in a southerly direction along the Montgomery county line, to a point opposite the place of beginning; thence, east to the place of beginning, containing the territory known as the northern division of Liberty county, shall be known and called Polk county.

Sec. 2. Be it further enacted, That the inhabitants residing within the limits of said Polk county,

shall be entitled to all the rights, privileges and immunities enjoyed by the citizens of the several counties in this State, except as to the right of separate representation in the State Legislature, and a separate land district, which shall be as heretofore.

Sec. 3. Be it further enacted, That James W. Abbey, Frederick Rankin, A. S. Aynesworth, Benj. Hardin, John Stubblefield, and Arther Garner, be, and they are hereby constituted a board of commissioners, with power and authority (a majority of them concurring) to select two or more suitable points for the location of the county site for said county of Polk, one on each side of the Trinity river, and one within five miles of the centre of said county.

Sec. 4. Be it further enacted, That should said commissioners be equally divided in the selection of any particular place for said county site, they may call to their aid any respectable citizen of said county, a majority of them agreeing as to the individual, whose decision with any three of said commissioners, shall be final as to the place in question.

Sec. 5. Be it further enacted, That it shall be the duty of said commissioners, so soon as they shall have selected and agreed upon the points, or places for the location of said county seat, to cause an election to be holden at the several election precincts within said county of Polk, for the selection of a county seat, or seat of justice for said county, giving fifteen days notice thereof in writing posted up at each precinct, naming the places to be voted for as contemplated by this act, which election shall be holden in conformity with the law regulating elections, and returns made thereof to the presiding officer of said board of commissioners.

Sec. 6. Be it further enacted, That should said commissioners select and nominate more than two places to be voted for by the people as contemplated by this act, and it shall appear, after counting and comparing the polls of said election, that neither one of the points voted for, shall have received a majority of all the votes cast in said county, such election shall be void, and said commissioners shall proceed to order a second election in like manner

as the first, when the two places receiving the highest number of votes at the first election, only, shall be voted for; and the place receiving the highest number of votes at the said second election, shall be the permanent seat of Justice for said county; and said commissioners shall proceed to obtain by purchase upon the faith of the county, or receive by donation at the place so selected, a sufficient quantity of land for the erection of public buildings, and to defray such other necessary expenses as the interest of the county may require.

Sec. 7. Be it further enacted, That the land so obtained shall be appropriated by said commissioners from time to time, as they may think most advantageous to said county, reserving to themselves one dollar per day for the time they may be engaged in discharging the duties assigned them by this act; and said commissioners shall, before entering upon the duties assigned by this act, select from among themselves, some one to act as President of said board, and each of them shall take a solmen oath before some justice of the peace, to discharge the several duties herein assigned them, according to what they may conceive to be the interest of a majority of the people of said county, without any regard to personal or local interest.

Sec. 8. Be it further enacted, That a majority of said commissioners, shall constitute a quorum to transact the ordinary business pertaining to their duties, after the county seat shall be located as herein provided.

Sec. 9. Be it further enacted, That this act shall take effect from and after its passage.

Approved, 30th March, A. D., 1846.

AN ACT

To authorize the Corporation of Galveston to levy a tax for the support of Free Schools.

Section 1. Be it enacted by the Legislature of the State of Texas, That the corporation of the city of Galveston, are hereby authorized to levy and collect a tax, not to exceed one-half of one per centum on the real estate within the limits of said corporation, for the establishment of public free schools.

Sec. 2. Be it further enacted, That the schools above provided for, shall be under the supervision of a board of trustees, three from each ward, who shall be the payers of the school tax, at the time of the municipal elections, (except the first board, who shall be elected under the proclamation of the Chief Justice of the county, within ten days after his reception of an official copy of this act,) and that the mayor of said corporation, shall be ex officio chairman of the board of school trustees.

Sec. 3. Be it further enacted, That at the same time when the first election for trustees, under the previous section is held, a poll shall also be held, at which the holders of real estate shall be permitted to express their assent to, or dissent from the provisions of this act, and if more than one-fourth of all the votes given at such poll, shall be against the same, this act shall be thereafter null, and of no effect.

Sec. 4. Be it further enacted, That this act shall take effect from and after its passage.

Passed, April 2nd, 1846.

AN ACT

To create and organize the County of Panola.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the territory comprised within the following limits, to wit: Beginning at the twenty-seventh mile post, on the line dividing the State of Texas from the State of Louisiana; thence, in a direct line to the mouth of Eight-mile Creek, on the Sabine river; thence, across and up said river, with its meanders to the Trammel Trace; thence, with said trace to where it crosses the west boundary line of J. W. Adams' league of land; thence, in a direct line to the old line that divided Harrison from Shelby county, before the passage of an act, entitled "an act to alter and establish the eastern boundary line of Rusk county, and for other purposes," approved December 31st, 1844; thence, with the line dividing the counties of Harrison and Shelby, to the line dividing the States of Texas and Louisiana; thence, with said line to the point of beginning, be, and the same is hereby made a new county, by the name of Panola.

Sec. 2. Be it further enacted, That the inhabitants of said county, be, and they are hereby invested with all the rights, privileges and immunities belonging to, and of right appertaining to citizens of other counties, except the right of separate representation, except also, the right of electing a separate county surveyor, or being a separate land district, which shall remain as it now is, until altered by law.

Sec. 3. Be it further enacted, That Jas. Rowe, Parson Herron, Dickson, James A. Pugh, Richard Golden, and James Williams, be, and they are hereby appointed commissioners, to select two eligible sites, neither of which shall be more than five miles from the centre of said county,

for the county seat of said county, which places shall be submitted to the legal voters of said county at public election, at such time and places as may be prescribed by law; and the place receiving a majority of the legal votes cast at said election, shall be the county seat of said county, and shall be known and called by the name of Carthage, unless at said election, some town or village now in existence in said county, be selected as the county seat; and said commissioners shall have power to purchase, or receive by donation for said county, such quantity of land, not to exceed _____ acres, as may be necessary for said county in erecting public buildings and other necessary expenses.

Sec. 4. Be it further enacted, That all civil suits which may have been instituted against any of the citizens of the county, created by this act, in either of the counties from which said county is taken, shall be transferred, together with all papers thereunto belonging, to the proper officers of said county, and be carried on in the same manner as if continued in the county in which they were instituted.

Sec. 5. Be it further enacted, That the inhabitants of said county, at present embraced within the limits of Harrison county, shall pay a proportionate part of the debt due and owing by the county of Harrison, at the time of the final passage of this act.

Sec. 6. Be it further enacted, That this act take effect from and after its passage.

Approved, March 30th, 1846.

AN ACT

To create a new County out of part of the Counties of Gonzales and Bexar, to be called the County of Guadalupe.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the territory comprised within the following prescribed limits, shall form and compose a new county, to be called the county of Guadalupe, to wit: Beginning at the mouth of Nash's Creek, on the north-east bank of the Guadalupe river in Gonzales county; running thence, north thirty-four degrees east, to the river San Marcos; thence, up the river San Marcos, with its meanders, to the point where the old San Antonio and Nacogdoches road crosses the same; thence, running with said road in a western direction to the south-west corner of a survey made for J. A. Musgrove, fronting on said old road; thence, running north, fifty degrees west, two thousand five hundred varas; thence, running south, seventy-five degrees west, to the river Guadalupe; thence, down the river Guadalupe with its meanders, to the lower corner of survey, No. 21, in class, No. 3, made for the heirs of Thompson; thence with the lower line of said survey, south, sixty-five degrees west, to its south-west corner; thence running to a point on the river Cibolo, where the lower line of a survey of one league (No. 114,) made for V. Michili, crosses said river Cibolo in Bexar county; thence down the river Cibolo with its meanders, to a point from which a line running north, thirty-four degrees east, would strike the mouth of Nash's Creek; thence, running north, thirty-four degrees east, to the place of beginning.

Sec. 2. Be it further enacted, That this act be in force and take effect, from and after its passage.

Approved, 30th March, A. D. 1846.

AN ACT

To define the boundaries of the County of Matagorda.

Section 1. Be it enacted by the Legislature of the State of Texas, That the boundary lines of the county of Matagorda shall hereafter be as follows: Beginning at the entrance of Cedar lake into the Gulf of Mexico; thence up said lake to the upper line of a league of land granted to G. Harrison; thence west to Linnville Bayou; thence, up that bayou to its source; thence, in a direct line to the north-west corner of the league of land granted to Carson; thence, along the upper line of said league to the south-west corner of the league of land granted to Shipman and Charles; thence, up the back line of said league to its north-west corner; thence, along the upper line of said league to the south-west corner of the league of land granted to Garrett; thence, up the back line of said league to its north-west corner, on the lower line of the league of land, (No. 12) granted to S. Ingram; thence, in a south-westwardly direction, along the lower line of the league of land granted to Edwards, to the south-west corner of the league last mentioned; thence, south, sixty degrees west, four thousand five hundred varas; thence south-west to the north corner of a league of land granted to J. Hughston; thence along said league line to its south-east corner on Matagorda Bay; thence, in a direct line to Matagorda Pass, on the Gulf of Mexico; thence, eastwardly along the Gulf shore to the place of beginning.

Sec. 2. Be it further enacted, That all laws conflicting with the provisions of this act, be, and are hereby repealed, and this act shall take effect from and after its passage.

Approved, March 30th, 1846.

AN ACT

To authorize the Governor to make the necessary preparations to transfer to the United States, all Custom Houses and other places for the collection of impost duties and other foreign revenue, and to transfer the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be, and he is hereby authorized to make the necessary preparations for transferring, and to transfer the same to the United States, all custom houses and other places for the collection of impost duties and other foreign revenue, which belonged to the Republic of Texas, and now the property of the State of Texas; upon such terms and conditions as may be agreed upon by him and the government of the United States, or any agent or agents appointed by said Government: Provided, however, that nothing in this act, or in the deed or deeds made in pursuance thereof, shall be so construed as to prevent the execution of any process whatever, by the officers of this State, in the jurisdiction hereby authorised to be ceded.

Approved, March 30th, 1846.

AN ACT

The better to define and fix the boundaries of the County of Victoria.

Section 1. Be it enacted by the Legislature of the State of Texas, That the boundary lines of the county of Victoria, be, and the same are hereby established and fixed as follows, viz: Beginning at the mouth of Garcitas Creek on La Vaca Bay; thence, up said creek to the junction of the Aro-

noso Creek; thence, up said creek to the point at which the northern line of A. Dunlap's survey crosses it; thence, in a direct line to the south-west corner of the county of La Vaca; thence, with the line of said county, to the south-east corner of the county of De Witt; thence, with the southern line of said county, to the point at which it touches the Colletto River; thence, down said river to the south-east corner of the county of Goliad; thence, with the lower or southern line of said county, to the point at which it crosses the river San Antonio; thence, with said river to its junction with the River Guadalupe; thence, up said river to the point at which the upper line of the county of Calhoun touches said river, viz: the south-west corner of the survey of J. M. Rias; thence, with the upper or northern line of the county of Calhoun to the mouth of the Garcitas, the place of beginning.

Sec. 2. Be it further enacted, That this act take effect from and after the first day of April next.

Approved, 31st March, A. D. 1846.

AN ACT

To exclude from office, serving on juries, and from the rights of suffrage, all persons who hereafter may be convicted of bribery, perjury, subornation of perjury, forgery, counterfeiting, larceny, or other felony, or treason against this State or the United States.

Section 1. Be it enacted by the Legislature of the State of Texas, That all persons who shall hereafter be convicted of bribery, perjury, subornation of perjury, forgery, counterfeiting, larceny, or other felony, or treason against this State or the United States, shall not hold any office of trust or profit in this State, nor shall such person

vote at any election, or serve on juries in any court within this State.

Sec. 2. Be it further enacted, That this act be in force from and after its passage.

Approved, 2nd April, A. D. 1846.

AN ACT

To define the limits and boundaries of Jackson County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the limits and boundaries of Jackson county shall hereafter be as follows, to wit: Beginning at the north-east corner of a survey made for J. Hughson, fronting on Matagorda and Carancahua Bays; thence, running with the north line of Hughson's survey west to its North-west corner, standing on Carancahua Bay; thence, running up said bay, with its meanders, to the upper corner of S. Houston's survey, standing on the west side of said Carancahua Bay; thence, with the line dividing S. Houston's and Keller's survey to the north-west corner of said Houston's survey; thence, running in a direct line to the north-east corner of Dimmitt's survey; thence, with the north line of Dimmitt's survey, in a west direction, to La Vaca Bay; thence, around said La Vaca Bay, with its meanders, to the entrance of the Garcitas Creek; thence, running up said creek, with its meanders, to the mouth of Aronoso Creek; thence running up said Aronoso Creek, with its meanders, to a point where the north line of A. Dunlap's survey crosses the same; thence, running in a direct line to the south-west corner of La Vaca county; thence, with the south line of La Vaca county, north fifty-one degrees east to the west line of Wharton county;

thence, with the west line of Wharton county to its south-west corner; thence, in a direct line to the beginning.

Sec. 2. Be it further enacted, That all persons residing in that portion of territory lying west of the La Vaca River, comprised in the foregoing limits, who were heretofore citizens of Victoria county, are hereby declared to be citizens of Jackson county, and entitled to all the privileges of other citizens of said county; and all laws or parts of laws contrary to the provisions of this act are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, 3d April, A. D. 1846.

AN ACT

To create the County of Wharton.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that territory comprised within the following limits, shall be created a new county, to be called the county of Wharton, to wit: Beginning at the south-east corner of the league of land No. 12, granted to S. Ingram, on the San Bernard River; thence, along the lower line of said league, and along the lower line of a league granted to Edwards, to the south-west corner of the league last mentioned; thence, in a direct line, south sixty degrees west, to the distance of forty-five thousand varas, crossing the Colorado River; thence, in a direct line, north forty-five degrees west, to the distance of fifty-two thousand eight hundred varas; thence, in a direct line to the lower corner of Cartwright's league of land, on the east side of the Colorado River; thence, along the lower line of said league to its north-east corner; thence, north, forty-five

degrees east, to the main San Bernard River; thence, down said river to the place of beginning.

Sec. 2. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, 3rd April, A. D. 1846.

AN ACT

To locate the County Seat of Wharton County.

Section 1. Be it enacted by the Legislature of the State of Texas, That Wm. J. E. Heard, Alexander Moore, Daniel Kinchels, Isam Thompson and John D. Newell, are hereby constituted commissioners to locate the county seat of Wharton county, and the place they may select shall be called Wharton, and shall be the seat of justice of said county, until otherwise directed by law; and a majority of said commissioners concurring, shall be competent to do all the business for which said commissioners are created.

Sec. 2. Be it further enacted, That said commissioners are authorized to receive any donations, or to purchase any lands not exceeding six hundred and forty acres, for the purpose of locating said county seat, which lands shall be disposed of by the county court for county purposes.

Sec. 3. Be it further enacted, That this act take effect from and after its passage.

Approved, 3d April, A. D. 1846.

AN ACT

To enable the Governor to fill certain vacancies that may hereafter occur.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be, and he is hereby authorized to fill all vacancies that may occur during the recess of the Legislature in such offices as have been filled by joint vote of both Houses of the Legislature: also, that he be authorized to fill all vacancies that may occur by death or resignation during the recess of the Legislature, which require the consent of the Senate.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

Approved, 3rd April, A. D. 1846.

AN ACT

To allow defendants to plead a partial failure of consideration.

Section 1. Be it enacted by the Legislature of the State of Texas, That the defendant or defendants in any action at law or equity, that may be hereafter instituted upon any bond, note, covenant, or other agreement in writing, in any court within this State, may plead a partial failure of consideration, where such bond, note, covenant, or other agreement in writing, shall remain in the possession of the original payee; or when it shall have been transferred or assigned after the maturity thereof, or when the defendant or defendants may prove a knowledge of such failure of consid-

eration on the part of the holder prior to said maturity.

Sec. 2. Be it further enacted, That this act shall take effect and be in force from and after its passage.

Approved, 3d April, A. D. 1846.

AN ACT

To provide for the location of the County Site of the County of Calhoun.

Section 1. Be it enacted by the Legislature of the State of Texas, That Addison White, Henry Kitchens, H. Beck, James Cummins, and Thos. Duke, be, and they are hereby constituted a commission to locate the seat of justice of the county of Calhoun.

Sec. 2. Be it further enacted, That said commissioners, or a majority of them, shall so soon as convenient after the passage of this act, proceed to select a suitable place for the seat of justice, and to acquire by gift or purchase for the use of the county, a lot of land not to exceed one hundred and sixty acres, if the place chosen be not already laid off in town lots, and if it be so laid off, then a sufficient lot or lots for all county purposes.

Sec. 3. Be it further enacted, That the place so selected and declared by said commissioners to be the county seat of the county of Calhoun, shall remain the seat of justice of said county until otherwise provided by law.

Sec. 4. Be it further enacted, That this act take effect from and after the first day of April next.

Approved, 3rd April, A. D. 1846.

AN ACT

To create the County of Tyler.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that portion of the county of Liberty comprised in the following limits, to wit: Commencing on the west side of the Neches River, where the Houston county line strikes said river; thence, west, along said line of Houston county, to the line recently established as the eastern boundary of Polk county; thence, in a southwardly direction, with said line, twenty-five miles; thence, due south to Village Creek; thence, down said creek, with the line of Jefferson county, to the Neches River; thence up said river to the place of beginning, containing the territory known as the eastern division of Liberty county, shall be known and called Tyler county.

Sec. 2. Be it further enacted, That the inhabitants residing within the limits of said county of Tyler shall be entitled to all the rights, privileges and immunities enjoyed by the citizens of the several counties within this State, except as to the right of separate representation and a separate land district, which shall be as heretofore.

Sec. 3. Be it further enacted, That Edmond Parsons, Jesse Fulgham, Ellis Green, Edward Turner, George Kirkwood and Wm. A. Ferguson, be, and are hereby appointed commissioners, with power and authority, a majority of them concurring, to select two or more sites within said county of Tyler, one within five miles of the centre of said county, to be voted for by the voters of said county of Tyler as hereinafter prescribed.

Sec. 4. Be it further enacted, That should the commissioners appointed by this act, in selecting the sites or places to be proposed to and voted for by the people, be equally divided, it shall be their

duty to call in an umpire, a majority of them agreeing as to the individual, he being a citizen of said new county, whose decision concurring with any three of said commissioners shall be final as to the place or places in question.

Sec. 5. Be it further enacted, That it shall be the duty of said commissioners, as soon as they shall have selected the points to be voted for as contemplated by this act, to report the same to the Chief Justice of Liberty county, whose duty it shall be forthwith to order an election at the several election precincts in said new county, (giving ten days notice thereof,) for Chief Justice of said county of Tyler and for the selection of a county seat or seat of justice for said new county, which election shall be holden and conducted in conformity with the constitution and laws of this State regulating elections for members of the Legislature, and make a return thereof to said Chief Justice, who if after counting and comparing the polls of said election, shall find that neither one of the sites voted for shall have received a majority of the whole number of votes given in, it is hereby made his duty, immediately, to order a second election for said county seat, when the two places receiving the highest number of votes at the first election, only shall be put in nomination, and the place receiving the highest number of votes at the second election shall be the seat of justice for said new county.

Sec. 6. Be it further enacted, That it shall be the duty of the commissioners appointed under the second section of this act, to proceed to obtain by purchase upon the faith of the county, or receive by donation, a sufficient quantity of land, at the place so selected by the people, as shall be sufficient for the erection of public buildings, and to defray such necessary expenses as may accrue in said county.

Sec. 7. Be it further enacted, That the Chief Justice elected under the provisions of this act shall qualify himself and proceed to order elec-

tions and organize said new county according to the provisions of this act.

Sec. 8. Be it further enacted, That this act take effect from and after its passage.

Approved, 3rd April, A. D. 1846.

AN ACT

To create the County of Collin.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that territory in Fannin county included within the following limits, to wit: Beginning on the south boundary line of Fannin county, twenty-five miles west of the south-east corner of said county; thence, west with said boundary line thirty-two miles; thence, north twenty-eight and one half miles; thence, east to the western boundary line of Fannin county; thence, south to the south-west corner thereof; thence, north, eighty degrees east, five miles; thence, south to the beginning, be, and the same is hereby created a new county, to be known and called by the name of Collin.

Sec. 2. Be it further enacted, That the county herein created, shall be entitled to all the rights, privileges and immunities, enjoyed by the several counties in this State, except as to the right of separate representation and a separate land office, or land district, for which, the county of Collin shall compose a part of Fannin county, until entitled by numbers to separate representation.

Sec. 3. Be it further enacted, That the county of Collin shall exercise jurisdiction over all the territory in Fannin county west of the county of Collin.

Sec. 4. Be it further enacted, That Jno. McGara, J. C. M. Hodge, Thomas Ratton, Ashley McKin-

ney, and Pleasant Wilson, be, and they are hereby appointed commissioners, whose duty it shall be to find the centre of said county, and select two places within three miles of said centre, (having due respect to donations that may be offered by individuals,) for a town site for the use of the county; the commissioners shall then proceed to hold an election, and the place receiving the greatest number of votes shall be the county seat, and the place so elected, shall be known and called by the name of Buckner; and the commissioners shall proceed to lay off said town and sell the lots therein, at public auction on a credit of twelve months.

Sec. 5. Be it further enacted, That the proceeds arising from the sale of lots in said town, or other donations, shall be applied by the commissioners herein created, to the erection of public buildings for the use of said county.

Sec. 6. Be it further enacted, That this act take effect from and after its passage.

Approved, 3rd April, A. D. 1846.

AN ACT

To establish the County Seat of Milam County.

Section 1. Be it enacted by the Legislature of the State of Texas, That Wm. D. Thomson, Isaac Standerferr, Winfred Bayley, J. Turnham, Daniel Munroe, Benjamin Bryant, and Augustus Sullivan, are hereby appointed commissioners to locate the county seat of Milam county, and a majority of the above named persons shall form a quorum to transact business, and shall locate such county seat, at the nearest convenient and suitable point to the centre of a constitutional county, to be formed hereafter with the northern boundary of

Burleson county and the Brazos River as permanent boundaries.

Sec. 2. Be it further enacted, That said commissioners shall have power to fix the name of such place, and to purchase not less than sixty, nor more than three hundred and twenty acres of land, or receive by donation any quantity of land for the use of such county, and immediately on obtaining the land, they shall proceed to have it laid off into suitable lots; and after reserving a sufficient number of such lots for county purposes, shall sell at public sale, having the same advertised at least twenty days, such a number thereof, and on such terms as may be deemed by them most beneficial to the interest of the county, the proceeds to be applied to the erection of public buildings.

Sec. 3. Be it further enacted, That the said commissioners shall immediately after said lots shall have been surveyed, proceed to contract for the erection of county buildings, and when they shall deem the necessary buildings prepared for the transaction of the county business, they shall notify the Chief Justice of Milam county, who shall cause the different county officers, together with the papers, documents, and records, belonging to Milam county to be removed to such county seat; and the authority of the commissioners appointed by this act, shall be transferred to such court of the county as shall have jurisdiction over the county revenue; and said commissioners shall receive for the time actually employed in the business imposed upon them by this act, such pay as members of the commissioner's court are entitled to.

Sec. 4. Be it further enacted, That from the time which, by an act organizing the county of Burleson, the officers of Milam county and the records of said county, shall have to be removed from Caldwell, the temporary county site of Milam, until the necessary buildings shall be erected in the county site created by this act, the county

business shall be done at Nashville, and shall be valid.

Sec. 5. Be it further enacted, That this act take effect from and after its passage.

Approved, 4th April, A. D. 1846.

AN ACT

To locate the County Seat of La Vaca County.

Section 1. Be it enacted by the Legislature of the State of Texas, That Samuel Barry, James Brown, Beverly C. Greenwood, John Clark and Gabriel Zumwalt, be, and the same are hereby appointed commissioners to locate the county seat of La Vaca county.

Sec. 2. Be it further enacted, That the said commissioners shall select some place, not more than five miles distant from the centre of said county, which place, so selected, shall be the county seat of La Vaca county until otherwise directed by law, and a majority of said commissioners concurring, shall be competent to transact all business for which said commissioners were created.

Sec. 3. Be it further enacted, That said commissioners are hereby authorized to receive any lands that may be donated to said county, or purchase such lands as they may deem proper for the location of said county seat, not to exceed six hundred and forty acres in quantity, which land shall be disposed of by the county court for county purposes.

Sec. 4. Be it further enacted, That this act be in force from and after its passage.

Approved, 4th April, A. D. 1846.

AN ACT

To create the County of Calhoun.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that territory formerly composing a part of the counties of Victoria, Jackson and Matagorda, included within the boundaries hereinafter specified, viz: Beginning at the extreme south-eastern point of pass Cavallo; thence, in a direct line to the south-eastern corner of J. Hughson's survey; thence, along the eastern line of said survey to its north-east corner; thence, along its northern line to its termination on Carancahua Bay; thence, up said bay, with its meanders, to the north-eastern corner of a survey made for Sam Houston, on the west side of said bay; thence, with the line dividing Houston's and Keller's surveys, to its north-west termination; thence, in a direct line to the north-east corner of Dimmitt's survey; thence, with the line between Dimmitt's and Mc'Guffin's surveys, to its termination on La Vaca Bay; thence, around said bay, with its meanders, to the north-east corner of V. Garcia's survey; thence, with the upper line of said survey, to its western termination; thence, in a direct line, to the south-east corner of J. M. Riaz's survey; thence with the lower line of said survey to the Guadalupe River; thence, down said river to Espiritu Santa Bay; thence, around the north and western margin of said bay to a point opposite to Cedar Pass or Bayou; thence, with said bayou or pass to the main gulf; thence, up the southern margin or beach of St. Joseph or Matagorda and Pelican Islands, to the point of beginning, be, and the same is hereby established and erected a new county, to be called the county of Calhoun.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, 4th April, A. D. 1846.

AN ACT

To create the County of La Vaca.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the territory comprised within the limits hereinafter described, shall form and compose a new county, to be called the county of La Vaca, to wit: Beginning seven thousand three hundred varas north, fifty-one degrees east, from the lower corner of a fourth of a league of land granted to Jesse McCoy, situated on the east bank of the Guadalupe River in Gonzales county; thence, running in a northern direction to the south-west corner of D. Burket's survey of one league, No. 7, in class No. 4, in Gonzales county; thence, running north, eighty-one degrees east, to a point on the main fork of the east Navidad River; thence, down said river with its meanders, to the upper or north-west corner of A. W. Breedlove's survey, standing on the east bank of said Navidad River; thence, with the upper or north line of said A. W. Breedlove's survey, east four thousand six hundred varas, to a point on said line; thence, running south, thirty-nine degrees east, forty thousand seven hundred varas; thence, running south, fifty-one degrees west, to a point south, thirty-nine degrees east of the place of beginning; thence, running north, thirty-nine degrees west, to the place of beginning.

Sec. 2. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, 6th April, A. D. 1846.

AN ACT

Creating the County of Grimes.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that portion of the territory of the county of Montgomery, comprised within the following limits, shall be known by the name of, and styled the county of Grimes, to wit: Beginning at the south-west corner of the county of Walker; thence, in a south-wardly direction to the north-east corner of a league of land granted to W. Montgomery; thence, to the south-east corner of the same; thence, due south to the Harris county line; thence, with said Harris county line, to the head of Spring Creek, and from the head of Spring Creek to the head of Pond Creek; thence, by a straight line to the mouth of Beason's Creek on the Brazos River; thence, up said stream to the mouth of the Navisoto, and up the Navisoto to the crossing of the San Antonio road; thence, with said road to the north-western boundary line of Walker county, and down the said Walker county line to the place of beginning.

Sec. 2. Be it further enacted, That the said county of Grimes, shall be entitled to all the privileges granted to, or enjoyed by other counties in this State, with the exception of a separate representation and a separate land district.

Sec. 3. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, 6th April, A. D. 1846.

AN ACT

To establish the County of Walker.

Section 1. Be it enacted by the Legislature of the State of Texas, That a new county be established to be known and distinguished by the name of Walker, the boundaries of which shall be as follows: Beginning at Robbins' ferry on the Trinity, where the San Antonio road crosses the same; thence, with the said road to the north-east corner of a survey of land in the name of L. G. Clepper; thence, in a straight line to the South Bedai Creek, to a point where the La Bahia road crosses the same; thence, in a straight line to the north-west corner of a survey of two-thirds of a league of land in the name of J. H. Collard; thence, in a straight line to a point on San Jacinto River, three miles below the mouth of East Sandy Creek; thence, east to the line of a new county to be called Polk; thence, with the lines of said county to the Trinity River; thence, up the middle of said river to the place of beginning.

Sec. 2. Be it further enacted, That the said county of Walker shall in all respects be placed upon the same footing as the other counties of this State, and the citizens thereof shall enjoy all the privileges and immunities as the citizens of other counties of the State except as to the right of separate representation, but shall remain as it now is until otherwise provided by law: Provided, also that said county shall be under the same restrictions as to separate land district and surveyor, that regulate the same in other new counties of this State.

Sec. 3. Be it further enacted, That the county seat of said county of Walker shall be located within the incorporated limits of the town of Huntsville, and the commissioner's court at its

first term is hereby required to appoint five commissioners, a majority of whom may act, who shall procure a deed or deeds to so much land as they may deem necessary for the erection of a court house and jail, which said deed or deeds shall be taken in the name of the chief justice of the county and his successors in office: Provided, that if the public square of said town can be procured without cost the court house may be located there; and, provided further, that the court [county] shall in no event be compelled to pay for any lands so to be conveyed for the purposes above.

Sec. 4. Be it further enacted, That the county of Walker shall pay its proportionate share of the debt due by the county of Montgomery, to be determined by the county court of Montgomery county and the county court of Walker county, to be paid to the parties who may hold such apportioned debt, in the manner in which said county courts may determine.

Sec. 5. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, April 6th, A. D. 1846.

AN ACT

To authorize the commissioners of the General Land Office to issue patents in cases where land scrip has been located in two surveys.

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the General Land Office, be, and he is hereby authorized and required to issue patents to the legal owners of land scrip in all cases where the same has been located in two surveys, where the same is bounded by other surveys: Provided, that in every case, the patentee shall pay for one of the patents and one of the surveys.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, 7th April, A. D. 1846.

AN ACT

To prohibit individuals from issuing bills, checks, promissory notes or other paper to circulate as money.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act no person or persons within this State shall issue any bill, promissory note, check or other paper to circulate as money in the same.

Sec. 2. Be it further enacted, That every person who may violate this act shall be subject to indictment therefor, by a grand jury, as for a misdemeanor, at any time within twelve calendar months after so offending, and shall be subject to a fine of not less than ten dollars nor more than fifty dollars for each and every bill, promissory note, check or other paper by them issued in violation of the first section of this act.

Approved, 7th April, A. D. 1846.

AN ACT

To incorporate the Grand Lodge of the Independent Order of Odd Fellows of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That Jacob De Cordova, Lawrence P. Sundberg, John Fitzgerald, James G. Claude, Andrew Kaufman, Isadore Dyer, James M. Conrad, William M. Carper, William William-

son, Jacob K. Beaumont, John Armstrong and B. H. Pollock, the present officers, representatives and members of the Grand Lodge of the State of Texas of the Independent Order of Odd Fellows and their successors, be, and they are hereby declared to be a community, corporation and body politic, by the name, style and title aforesaid, and by that name they and their successors shall and may at all times hereafter be capable in law, to have, receive and retain to them and their successors property real and personal; also, devises and bequests of any person or persons, bodies corporate or politic capable of making the same, and the same at their pleasure to transfer or dispose of, in such manner as they may think proper: Provided, always, that the said corporation or body politic shall not at any time hold or possess property, real, personal or mixed, exceeding in value the sum of twenty-thousand dollars, nor more than five acres of land: Provided, however, that if any real estate shall accrue to said corporation by donation or otherwise, they shall be allowed the term of one year to sell or dispose of the same.

Sec. 2. Be it further enacted, That the said corporation and their successors, by the name, style and title aforesaid, shall be forever thereafter capable in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all or any courts of justice, and before all or any judge, officers and persons whatsoever, in all and singular, actions, matters and demand whatsoever.

Sec. 3. Be it further enacted, That it shall and may be lawful for the said corporation to have a common seal for their use, and the same at their will and pleasure to change, alter and make anew from time to time as they may think best, and shall in general, have and exercise all such rights, privileges and immunities, as by law are incident or necessary to such corporations, and what may be necessary for the corporation herein instituted.

Sec. 4. Be it further enacted, That this act

shall take effect and be in force from and after its passage.

Approved, April 8th, A. D. 1846.

AN ACT

Creating the County of Smith.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act, all that territory now included in the county of Nacogdoches, within the following limits, to wit: Beginning at a point on the Neches River due west of the south-west corner of the Neches Saline survey; thence, east, along the southern boundary line of said survey, to the south-east corner thereof; thence, due east to the western boundary line of Rusk county; thence, north, with said western boundary of said county of Rusk, to the north-west corner thereof; thence, up the Sabine River, with its meanderings, to a point thirty-six miles on a direct line from the corner of said Rusk county, on the Sabine River; thence, due south to the Cherokee boundary line; thence, south, with said line, to the Neches River; thence, down said river, with its meanderings, to the beginning, to be, and the same is hereby constituted a county.

Sec. 2. Be it further enacted, That the above described county shall be known and styled by the name of Smith.

Sec. 3. Be it further enacted, That William B. Duncan, James Hill, Elisha Lott, John Lawler, ——— Dewberry, be, and they are hereby appointed and constituted commissioners, who, or a majority of whom, shall proceed to run the lines as herein described, and to plainly mark the dry lines of the same, and also mark the several corners of said county.

Sec. 4. Be it further enacted, That the said

commissioners, or a majority of them, shall proceed to ascertain the center of the said county, as near as may be, and shall, at the said centre, or within three miles thereof, locate the county site at the most pleasant place within said bounds, having elevation and good water in consideration.

Sec. 5. Be it further enacted, That the said commissioners may, in the event that they cannot locate the said county site at the centre or within three miles thereof, they may locate the same within five miles of the centre, provided they can combine the said elevation and water so as to induce them to do so.

Sec. 6. Be it further enacted, That the said commissioners shall have the right to purchase or receive by donation, three hundred acres of land, including said location, or should the owner or owners of said land refuse to sell or donate the same, the said commissioners shall condemn one hundred acres, giving to the owner a fair consideration therefor, and proceed to lay off a town, and to sell the lots thereof to the highest bidder, reserving lots for a court house, jail, and such other public lots as they may deem necessary.

Sec. 7. Be it further enacted, That the said commissioners shall select from among themselves a presiding member who when so chosen shall have power to convene the said commissioners to transact any duties required of them in this act.

Sec. 8. Be it further enacted, That the said commissioners shall, before they enter upon the several duties herein required of them, be solemnly sworn by some acting justice of the peace to impartially discharge their duties as commissioners of the county of Smith.

Sec. 9. Be it further enacted, That the citizens of the said county of Smith shall be, and are hereby entitled to all the courts, officers and other privileges that the citizens of other counties of this State are, except separate representation and a separate land district.

Sec. 10. Be it further enacted, That the county site of said county of Smith shall be known and styled Tyler.

Sec. 11. Be it further enacted, That this act be in force from and after its passage.

Approved, April 11th, A. D. 1846.

AN ACT

To create the County of Denton.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that territory included within the county of Fannin—Beginning at the south-west corner of Collin county; thence, west thirty miles; thence, north thirty miles; thence, east thirty miles; thence, south thirty miles, to the beginning, be, and the same is hereby created a new county to be known and called by the name of Denton.

Sec. 2. Be it further enacted, That the inhabitants residing within said limits shall be entitled to all the rights, privileges and immunities enjoyed by the inhabitants of the several counties in this State, except as to the right of separate representation and land district, for which purpose the inhabitants of Denton county shall be considered as attached to Fannin county until entitled by numbers to separate representation.

Sec. 3. Be it further enacted, That John W. King, Joseph W. Conner, Joseph Turner, John Ramsey and Jesse Gibson, be, and they are hereby appointed commissioners, whose duty it shall be to find the centre of said county and select two places within three miles of said centre, having due respect to donations that may be offered by individuals of land or other property, for a town site for the use of the county. The commissioners shall then proceed to hold an election, and the place receiving the majority of the legal votes shall be the county seat of said county; and the place so selected shall be known and called Pinckneyville; after which the commissioners shall proceed to lay off a town

and sell the lots therein at public auction, on a credit of twelve months. All the proceeds arising from the sale of lots or other donations shall be applied by the commissioners herein created, to the erection of public buildings for the use of the county.

Sec. 4. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, 11th April, A. D. 1846.

AN ACT

To create the County of Hunt.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that territory included within the counties of Fannin and Nacogdoches, to wit: Beginning at the south-west corner of Lamar county; thence, south thirty-eight and one-half miles; thence, west twenty-five miles; thence, north to the south-east corner of Collin county; thence, with the eastern boundary line of said county, to the southern boundary line of Fannin county; thence, north, eighty degrees east, to the beginning, be, and the same is hereby created a new county, to be know and called by the name of Hunt.

Sec. 2. Be it further enacted, That the inhabitants residing within said limits, shall have and exercise all the rights, privileges, and immunities enjoyed by the inhabitants of the several counties in this State, except the right of separate representation and a separate land district; and the inhabitants of said county shall severally be considered as attached to the counties from which they were taken, until entitled by numbers to a separate representation.

Sec. 3. Be it further enacted, That Samuel C. Hooker, Merideth Hart, Isaac Banty, James Hobbs, and William Lane, be, and they are hereby appointed commissioners, whose duty it shall be to find

the centre of said county, and select two places within three miles of said centre, having due respect to donations that may be offered by individuals, of land or other property, for a town site for the use of said county; the commissioners or a majority of them, shall then proceed to hold an election, and the place receiving the greatest number of the legal votes polled, shall be the county seat of said county, and the place so elected shall be known and called by the name of Greenville; after which the commissioners shall proceed to lay off a town, and sell the lots therein, at public auction, on a credit of twelve months, and all the proceeds arising from the sale of lots or other donations, shall be applied by the commissioners herein created to the erection of public buildings for the use of the county.

Sec. 4. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, 11th April, A. D. 1846.

AN ACT

To establish the Judicial Districts of the District Courts.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following named counties shall compose the First Judicial District, to wit: Matagorda, Wharton, Colorado, Austin, Fort Bend, Brazoria and Galveston.

Sec. 2. Be it further enacted, That the following named counties shall compose the Second Judicial District, to wit: Comal, Guadalupe, Travis, Bastrop, Fayette, La Vaca, De Witt and Gonzales.

Sec. 3. Be it further enacted, That the following named counties shall compose the Third Judicial District, to wit: Brazos, Robertson, Leon, Limestone, Navarro, Milam, Burleson and Washington.

Sec. 4. Be it further enacted, That the following named counties shall compose the Fourth Judi-

cial District, to wit: Calhoun, Jackson, Victoria, Goliad, Refugio, San Patricio, Nueces and Bexar.

Sec. 5. Be it further enacted, That the following named counties shall compose the Fifth Judicial District, to wit: Jasper, Newton, Sabine, San Augustine, Shelby, Panola, Upshur, Harrison and Cass.

Sec. 6. Be it further enacted, That the following named counties shall compose the Sixth Judicial District, to wit: Nacogdoches, Angelina, Houston, Cherokee, Rusk, Anderson, Henderson, Smith and Dallas.

Sec. 7. Be it further enacted, That the following named counties shall compose the Seventh Judicial District, to wit: Harris, Montgomery, Walker, Grimes, Liberty, Polk, Tyler and Jefferson.

Sec. 8. Be it further enacted, That the following named counties shall compose the Eighth Judicial District, to wit: Bowie, Lamar, Red River, Fannin, Grayson, Collin, Denton, Hopkins, Titus and Hunt.

Sec. 9. Be it further enacted, That all former laws and parts of laws defining the Judicial Districts of the District Court, be, and the same are hereby repealed; and that this act take effect from and after its passage.

Approved, 11th. April, 1846.

AN ACT

To define the boundaries of Robertson County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following be, and are hereby declared to be the boundaries of Robertson county, to wit: Beginning at the north-west corner of Brazos county on the Brazos River; thence, up said river twenty-five hundred varas, above the north-west corner of a survey made for John Welch, as represented on the county map of Robertson county; thence, north, sixty degrees east, to

the Navasota; thence, down said river to the line of Brazos county; and thence, with said line to the place of beginning on the Brazos River.

Sec. 2. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, 11th April, A. D. 1846.

AN ACT

To prescribe the manner of organizing the House of Representatives of the Legislature of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of the Secretary of State to organize the House of Representatives at the next, and each subsequent meeting of the Legislature, until otherwise provided by law; for which purpose he shall attend at the time and place designated for the meeting of the Legislature, and after appointing a clerk (who shall have been chief clerk of the House the preceding session, if he be present,) to take a minute of the proceedings, he shall have all of the counties of the State called over in alphabetical order, and as the members elect appear and present their credentials, it shall be his duty, or the duty of the clerk under his order and direction, to administer to each the oath prescribed by the Constitution.

Sec. 2. Be it further enacted, That should returns of election in any county or counties for members of the Legislature not be made to the office of Secretary of State, the clerk shall nevertheless call said county or counties, and if any person or persons appear at said call and present the proper evidence of his or their election, he or they shall be admitted or qualified in the same manner as though a return of his or their election had been made to the office of Secretary of State.

Sec. 3. Be it further enacted, That should there

not be a quorum in attendance on the day appointed for the meeting of the Legislature, it shall be the duty of the Secretary of State and clerk, to attend from day to day until a quorum shall appear and be qualified as above.

Sec. 4. Be it further enacted, That when a quorum shall have appeared and been qualified, the House shall proceed to the election of a Speaker, unless a majority of the members present shall think proper to defer said election.

Sec. 5. Be it further enacted, That when an election for Speaker shall have been had, the Speaker elect shall immediately take the chair and the House proceed to its further organization by electing the necessary officers, to whom the Speaker shall administer the oath of office.

Sec. 6. Be it further enacted, That should there be no Secretary of State, or in case he be absent or unable to attend, from any cause, the Attorney General shall attend and perform the duties prescribed by this act.

Approved, 11th April, A. D. 1846.

AN ACT

To provide for the enumeration of the inhabitants of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the assessor of direct taxes of each county in this State, shall at the time they assess the taxes in the year eighteen hundred and forty-seven, take an enumeration of the inhabitants of the State as follows, to wit: In the first column the number of qualified electors, in the second column all the white males over the age of eighteen years and under forty-five, in the third column all the white males under the age of eighteen years, in the fourth column all the white males over forty-five years of age, in the fifth

column all the white females, in the sixth column all the slaves, in the seventh column all free persons of color.

Sec. 2. Be it further enacted, That the assessors shall make out duplicate returns, one of which shall, on or before the second Monday in December, be filed by them in their respective county clerk's office; and one transmitted by mail or otherwise, to the seat of Government, directed to the Secretary of State.

Sec. 3. Be it further enacted, That the several assessors shall each receive three cents for each white inhabitant residing in the country, and two cents for each white inhabitant in a town or city, and one cent for each slave or free person of color.

Sec. 4. Be it further enacted, That the said assessors shall each take an oath before some competent authority to promptly and faithfully discharge the duties required of them in this act agreeably to the best of their abilities.

Sec. 5. Be it further enacted, That the assessors shall severally give bond and approved security to the chief justice of their respective counties, and their successors in office, in the sum of five hundred dollars, to be void conditioned that they faithfully discharge the duties required of them in this act, otherwise not.

Approved, 11th April, A. D. 1846.

AN ACT

Creating the County of Cherokee.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act all that portion of the territory now included within the county of Nacogdoches, within the following limits, to wit: Beginning at a point on the Neches River due west from the southwest corner of the Neches Saline survey; thence, east,

with the southern boundary line of said saline survey, to the south-east corner thereof; thence, due east, to the western boundary line of Rusk county; thence, south, along said county line, to the south-west corner thereof; thence, east, along the southern boundary line of said county, to the Angelina River; thence, south, down the said river with its meanderings, to the lower end of Juan Cruz's survey of an island in said Angelina River, to a point opposite said lower end of said island on the west bank of said river; thence, running south, fifty degrees west, to the Neches River; thence, north, up said river with its meanderings, to the beginning, be, and the same is hereby constituted a county.

Sec. 2. Be it further enacted, That the above described county shall be known and styled by the name of Cherokee county.

Sec. 3. Be it further enacted, That Elisha Mosley, John H. Irby, Col. Park, — Keelo, William Roark, W. Y. Lacy, Samuel Box and William Box, be, and they are hereby constituted commissioners, who, or a majority of whom, shall proceed to establish the lines of said county, as herein described and to plainly mark the corners and dry lines of the same.

Sec. 4. Be it further enacted, That the said commissioners, or a majority of them, shall proceed to ascertain the centre of said county as nearly as may be, and locate the county site thereon, or at some point within three miles of said centre, if they can find an elevated and well watered site within that distance.

Sec. 5. Be it further enacted, That should the said commissioners not be able to find a suitable place at or within three miles of the centre, they may establish the same at the best point within five miles of the said centre.

Sec. 6. Be it further enacted, That the said county site of Cherokee county, shall be styled Rusk.

Sec. 7. Be it further enacted, That the said commissioners shall have the right to purchase at a fair cash valuation, or receive by donation, three

hundred acres of land, including the said county site, or should the owner or owners of such lands refuse to sell or donate the said lands, the commissioners shall condemn one hundred acres including the said county site, they giving a just compensation therefor, and proceed to lay the same off into town lots, reserving a lot for the court house, jail, and such other public buildings as they may deem best for the interest of the county, and sell the others to the highest bidder on such time as the said commissioners may determine, the proceeds of which sale, shall be applied to public buildings for the use of said county.

Sec. 8. Be it further enacted, That the said commissioners shall select from among themselves a presiding officer, who when so elected shall have power to convene the said other commissioners to transact any business required of them in this act, a majority of whom in all cases may act.

Sec. 9. Be it further enacted, That the said commissioners, before they enter upon the several duties herein required, shall take an oath to faithfully and impartially discharge their duties as commissioners of the county of Cherokee, before some acting justice of the peace.

Sec. 10. Be it further enacted, That the citizens of the county of Cherokee, are hereby entitled to the same officers and courts as those of other counties in this State, except that of separate representation and the right of having a separate land district.

Sec. 11. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, 11th April, A. D. 1846.

AN ACT

To incorporate the Huntsville Academy.

Section 1. Be it enacted by the Legislature of the State of Texas, That the present trustees of

the Huntsville Academy in the town of Huntsville, and county of Walker, be, and they are hereby constituted a body corporate and politic, under the name and style of Huntsville Academy, capable of suing and being sued, pleading and being impleaded, of holding property real and personal, of selling, conveying and alienating the same at pleasure, and of doing and performing all things whatsoever that they may deem beneficial to said institution, not contrary to the constitution and laws of this State: Provided, that the real and personal property acquired by said corporation shall not at any time exceed twenty thousand dollars.

Sec. 2. Be it further enacted, That this charter and privilege shall extend to the present trustees and their successors in office, so long as they confine the benefits of the same to the promotion of education.

Sec. 3. Be it further enacted, That on the first Saturday of March, 1847, (until which time the present trustees shall hold their office) and annually thereafter, the subscribers to said institution shall elect seven trustees for the ensuing year: Provided, that no one shall be considered a subscriber who has not subscribed and paid towards the erection of the buildings now used, or who may not hereafter subscribe and pay the sum of ten dollars for the use of said institution other than tuition fees.

Sec. 4. Be it further enacted, That the election shall be held by the President of the board of trustees, or in his absence, by any one of them, and a majority of those present and voting, shall be sufficient to constitute the persons voted for duly elected trustees. In all cases the old trustees shall hold their offices until their successors are elected.

Sec. 5. Be it further enacted, That said trustees shall choose their president and have all the powers incident to corporations that are not inconsistent with the constitution and laws of the State and of this act; they shall also appoint one of their body secretary and treasurer, who shall keep a record of their proceedings, and if required give bond for the safe keeping of the monies of said academy.

Sec. 6. Be it further enacted, That the said

board of trustees shall have power to pass such by-laws as they may deem proper for their own government, and for the government of the schools by them established: Provided, they are not inconsistent with the constitution and laws.

Sec. 7. Be it further enacted, That said Academy shall be forever free of the control of any particular denomination of Christians, but shall be open for the use and benefit of all.

Sec. 8. Be it further enacted, That this act take effect and be in force from and after its passage.

Passed, 11th April, 1846.

AN ACT

To incorporate Duval Academy, in the County of Fannin.

Section 1. Be it enacted by the Legislature of the State of Texas, That Bailey English, G. A. Everts, John P. Simpson, William B. Dagley, Daniel Montague, John Yearry and Samuel Erwin, be, and they are hereby incorporated a body politic, under the name and style of the Trustees of Duval Academy, capable of suing and being sued, of pleading and being impleaded, of holding property, either real, personal or mixed, of selling and conveying the same at pleasure, of having a common seal and of changing the same at pleasure, and of doing and performing whatever else that may be proper and necessary to be done for the advancement of said institution, not contrary to the constitution and laws of this State.

Sec. 2. Be it further enacted, That this charter and privilege shall extend to the said trustees and their successors in office as long as they confine the benefit of the same to the advancement of the sciences and the promotion of useful knowledge to the rising generation; which institution shall be

accessible alike to all, without regard to opinions of religion or politics.

Sec. 3. Be it further enacted, That the trustees for the time being shall have full power to enact by-laws, rules, and regulations, for the government of said academy, as may seem to them necessary for that object.

Sec. 4. Be it further enacted, That the institution hereby created shall be located at or near the town of Bonham in said county.

Sec. 5. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, 11th April, A. D. 1846.

AN ACT

Defining the duties of the Comptroller of Public Accounts of the State of Texas.

Bond required.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first Comptroller of the State of Texas shall within twenty days from and after the passage of this act, and every subsequent Comptroller shall within twenty days after he shall have received notice of his election, and before he enters upon the duties of his office, give a bond payable to the Governor of the State of Texas and his successors in office for the use of the State, in the sum of seventy-five thousand dollars, with not less than six good securities, to be approved of by the Governor of the State of Texas, conditioned that he will faithfully execute the duties of his office, and shall take and subscribe the oath prescribed by the constitution, which, together with the bond, shall be deposited in the office of the Secretary of State: which said bond shall not be void on the first recovery of part or of the whole of the penalty, but shall thereafter continue in force for the whole amount

of the penalty thereof, and may be sued on from time to time, and shall be deemed to extend to the faithful performance of the duties of his trust until his successor shall be duly qualified and shall have entered upon the duties of his office.

Sec. 2. Be it further enacted, That it shall be the duty of the Comptroller of public accounts to superintend the fiscal concerns of the State and manage the same in the manner required by law; he shall also perform such official acts as were required of the Secretary of the Treasury under the Republic of Texas, when not otherwise provided for by law.

Duties defined.

Sec. 3. Be it further enacted, He shall exhibit to the Governor, on the first Monday of December of each year, and at such other times as he shall require, an exact and complete statement of the funds of the State, of its revenues, and of the public expenditures during the preceding year, (or for such other time as may be required,) with a detailed estimate of the expenditures to be defrayed from the treasury for the ensuing year, specifying therein each object of expenditure, and distinguishing between such as are provided for by special or general appropriations and such as are required to be provided for by law, and showing the means from which such expenditures are to be defrayed.

Shall make exhibition to the Governor.

Sec. 4. Be it further enacted, He shall keep and state all accounts between this State and the United States, and all other accounts in which the State is interested, and suggest plans for the improvement and management of the public revenue.

Shall keep accounts.

Sec. 5. Be it further enacted, He shall examine and settle the accounts of all persons indebted to the State and certify the amount or balance to the Treasurer, and direct and superintend the collection of all monies due the State.

Sec. 6. Be it further enacted, He shall audit the claims of all persons against the State in cases where provisions for the payment thereof have

Shall audit claims, &c.

been made by law, unless the auditing of any such claims shall be otherwise specially provided for.

Sec. 7. Be it further enacted, He shall require all persons who shall have received any monies belonging to the State and shall not have accounted therefor, to settle their accounts; and shall from time to time require all persons receiving monies or having the disposition or management of any property of the State, of which an account is kept in his office, to render statements thereof to him.

Shall draw warrants.

Sec. 8. Be it further enacted, He shall draw warrants on the Treasurer for the payment of all monies directed by law to be paid out of the treasury; and no warrant shall be drawn unless authorized by law; and every warrant shall refer to the law under which it is drawn, and no warrant shall be issued in favor of any person or the agent or assignee of any person indebted to the State until such debt be paid.

Sec. 9. Be it further enacted, He shall preserve the books, records, papers, and other things belonging to his office, and deliver the same without injury or damage to his successor.

Shall make reports to Treasurer.

Sec. 10. Be it further enacted, He shall number each and every warrant he shall draw upon the Treasurer of the State; the numbers shall begin with one, at the commencement of each fiscal year, and proceed progressively to the end thereof: they shall specify on what particular account they are drawn, and he shall take a receipt for every such warrant from the person receiving the same to be deposited in the files of his office.

Sec. 11. Be it further enacted, He shall furnish the Treasurer of the State, at the close of every month, with a report specifying the warrants that have been drawn during each month, their numbers, their several amounts and the names of the persons to whom payable.

Shall furnish forms.

Sec. 12. Be it further enacted, He shall prescribe and furnish the forms to be used by all

persons in the collection of the public revenue, and the mode and manner of keeping and stating their accounts.

Sec. 13. Be it further enacted, That he shall require all accounts presented to him for settlement, not otherwise provided for by law, to be certified to by affidavit, taken before some notary public, touching the correctness of the same, or by oath or affirmation which may be administered by himself, in any case in which he may deem it necessary.

Sec. 14. Be it further enacted, He shall remit or make an allowance to every tax collector in the auditing of his accounts for all sums of money which in his judgment have been illegally assessed.

Sec. 15. Be it further enacted, The accounts of the Comptroller against the State shall not be passed to the Treasurer until approved by the Secretary of State.

Sec. 16. Be it further enacted, The Comptroller shall from time to time cause to be published at the expense of the State, in one or more of the newspapers printed therein, such instructions relating to the payment of monies due this State, or the duties to be performed by the assessors and collectors thereof as he may deem necessary.

Sec. 17. Be it further enacted, That all liens, mortgages, bonds and other sureties for money given to this State or any officer thereof for the use of the State, unless otherwise specially directed, shall be deposited and kept in the office of the Comptroller.

Sec. 18. Be it further enacted, That he shall procure at the expense of the State, a seal, with the words "Comptroller's Office, State of Texas," engraved around the margin and a star with five points in the centre thereof, which shall be used as the seal of the Comptroller's office in the authentication of all his official acts, except warrants drawn on the Treasurer of the State.

Sec. 19. Be it further enacted, The accounts of His accounts

to be closed
annually.

the Comptroller shall be annually closed on the last day of October, and he shall exhibit all books, papers, vouchers and all other matters pertaining to his office, for the examination of either branch of the Legislature or any committee which may be by them appointed, whenever required by them so to do.

Shall examine
the disburse-
ments of the
Treasurer.

Sec. 20. Be it further enacted, That the Comptroller shall examine the disbursements of the Treasurer, at the end of each quarter, and shall, together with the Treasurer, cancel the warrants which have been paid, in such manner as to prevent their future circulation, and shall examine if the receipts acknowledged by the Treasurer, during the quarter, correspond with the deposits, and if the balance of money reported to be in his possession is actually in his hands.

Sec. 21. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, 11th April, A. D. 1846.

AN ACT

To create the County of Limestone.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that portion of Robertson county included in the following bounds, be, and the same is hereby created into a new county to be called and known by the name of Limestone, to wit: Beginning at the north-east corner of Leon county, on the Trinity River; thence, with the line of said county to the Navasoto River; thence, up said river to the north-east corner of Robertson county; and thence, with the line of said county to the Brazos River; thence, up the east bank of said river to the

mouth of Tehuacana Creek, where it empties into said river; thence, north, sixty degrees east, to the Trinity River; thence, down the west bank of said river to the place of beginning. And the inhabitants residing in the said bounds shall be entitled to all the rights, privileges and immunities incident to the citizens of the original counties, except the right of separate representation in the Legislature, (until entitled thereto by numbers,) and the right of a separate land district. And the citizens of said county shall vote with Robertson county for Senator and Representatives until otherwise provided for by law; and that this act take effect and be in force from and after its passage.

Approved, 11th April, A. D. 1846.

AN ACT

To prescribe the time of the biennial meeting of the Legislature of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Legislature of the State of Texas shall meet at the seat of Government and begin their second biennial session on the second Monday in December, A. D. 1847, and on the same day biennially thereafter, until otherwise prescribed by law.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, 11th April, A. D. 1846.

AN ACT

To provide for the organization of the several Counties in the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of the chief justice and any two of the county commissioners of each and every county in this State, immediately after the receipt of this act, to lay off and divide their respective counties into convenient precincts for the election of justices of the peace and constables, defining particularly the boundaries of such precincts, and also, to appoint a convenient place in each precinct where elections shall be held, of all which they shall cause the county clerk to make a record.

Sec. 2. Be it further enacted, That it shall be the duty of the chief justice and any two of the county commissioners of every county in this State from which any new county has been taken at this session of the Legislature, or from which the greater portion of any new county has been taken, to lay off and divide such new counties into convenient precincts for the election of justices of the peace and constables, defining particularly the boundaries of such precincts, and also to appoint a convenient place in each precinct where elections shall be held; of all which they shall cause a record to be made, which they shall send to the chief justice of each new county, when elected.

Sec. 3. Be it further enacted, That it shall be the duty of the chief justice of every county of this State, to cause elections to be held on the second Monday of July, 1846, in their respective counties, for one chief justice, four county commissioners, one sheriff, one coroner, one county clerk, one clerk of the district court, and two justices of the peace and one constable for each

justice's precinct, and such other county officers required by law to be elected by the people.

Sec. 4. Be it further enacted, That it shall be the duty of the chief justice of every county in this State, from which any new county has been taken at this session of the Legislature, or from which the greater portion of any new county has been taken, to cause an election to be held in all such new counties on the second Monday in July, 1846, for all such officers as are named in the preceding section.

Sec. 5. Be it further enacted, That the elections provided for in the two preceding sections, shall be conducted in all respects in conformity with the laws regulating elections in this State; and the returns of elections, in all new counties, shall be made to the chief justice or officer ordering the election in such new counties.

Sec. 6. Be it further enacted, That in counties where there are no county commissioners, the chief justice and any two justices of the peace, shall perform all the duties required of the chief justice and county commissioners in the two first sections of this act; and in counties where there is no chief justice, then the sheriff shall perform all the duties required of chief justices by the provisions of this act.

Sec. 7. Be it further enacted, That the present incumbents of all county offices shall continue in office, and perform all the duties required of them by law, until their successors, or officers performing similar duties shall be elected under the provisions of this act, and enter upon the discharge of their duties, when they shall hand over to their successors, or officers performing similar duties, all books, papers and other effects, belonging to their respective offices; and until the new counties established by this Legislature shall be organized under the provisions of this act, they shall be considered as forming a part of the county or counties from which they were taken.

Sec. 8. Be it further enacted, That until the

county seats of new counties are established, as required by law, the courts of such new counties shall be held at such places as may be appointed by the county courts thereof.

Sec. 9. Be it further enacted, That this act take effect from and after its passage.

Approved, 11th April, A. D. 1846.

AN ACT

To exempt from taxation two hundred and fifty dollars worth of household furniture, and other personal property belonging to each family in the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage hereof, there shall be exempt from taxation two hundred and fifty dollars worth of the household furniture, and other personal property belonging to each family in the State.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

Approved, April 11th, A. D. 1846.

AN ACT

To incorporate Lamar Academy in the County of Lamar.

Section 1. Be it enacted by the Legislature of the State of Texas, That George W. Wright, Calvin C. Cooper, Claiborn Chism, John A. Rutherford, H. D. Woodsworth, Isaac I. Newell and

Hamlin L. Williams, be, and they are hereby incorporated a body politic, under the name and style of the Trustees of Lamar Academy, capable of suing and being sued, of pleading and being impleaded, of holding and owning property either real, personal, or mixed, of selling and conveying the same at pleasure, of having a common seal and of changing the same at pleasure, and of doing and performing whatever else may be proper and necessary to be done for the advancement of said institution, not contrary to the constitution and laws of this State.

Sec. 2. Be it further enacted, That this charter and privilege shall extend to the said trustees and to their successors in office, as long as they confine the benefit of the same to the advancement of the sciences and the promotion of useful knowledge to the rising generation; which institution shall be accessible alike to all, without regard to opinions of religion or politics.

Sec. 3. Be it further enacted, That the trustees for the time being, shall have full power to enact by-laws, rules and regulations for the government of said Academy, as they may deem necessary for the prosperity of the same.

Sec. 4. Be it further enacted, That the institution hereby incorporated, shall be located at or near the town of Paris in said county.

Sec. 5. Be it further enacted, That this act take effect from and after its passage.

Approved, 11th April, A. D. 1846.

AN ACT

Amending the 8th and 11th sections of an act to incorporate Hermann's University; approved, January 27th, 1844.

Section 1. Be it enacted by the Legislature of the State of Texas, That no religious test or qualification of any kind whatever shall be a requisite in order to become a trustee, professor, instructor or student in said University; and the theological faculty shall never be styled by the name of any singular religious confession.

Sec. 2. Be it further enacted, That the said University shall be located at some place to be designated by the president and trustees.

Sec. 3. Be it further enacted, That the 8th and 11th sections of an act to incorporate Hermann's University, approved, January 27th, 1844, be and the same are hereby repealed, and that this act shall take effect from and after its passage.

Passed, 11th April, 1846.

AN ACT

To authorize the Governor to pay expresses employed to circulate the law providing for the election of Representatives to the Congress of the United States.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of three hundred dollars, or so much thereof as required, is hereby appropriated for the payment of such persons as were employed by the Governor to circulate the law providing for the election of Representatives

to the Congress of the United States and to inform the Senators of their election, and the Treasurer and Comptroller be required to pay such orders as the Governor may make on the Treasurer, for the purposes contemplated by this act.

Sec. 2. Be it further enacted, That this act be in force from and after its passage.

Approved, April 11th, A. D. 1846.

AN ACT

For the regulation of Pilots.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be, and he is hereby authorized and required to appoint and commission for a term of four years, at each of the ports of this State, such number of competent and reputable persons as may be needed at each, for the office of branch pilot; and he shall from time to time make new appointments as aforesaid, when vacancies or an increase of business require it; but until appointments are made pursuant to this act, the pilots of the several ports who were in office when the organization of the State Government took place, shall be authorized to continue acting as such on the authority of their collectoral appointments.

Sec. 2. Be it further enacted, That the Governor shall appoint, with the consent of the Senate, for each port of the State, whose population and circumstances will warrant it, a board of five persons of respectable standing, under the denomination of commissioners of pilots for such port: three of whom shall be practical seamen, and the other two merchants, who shall be commissioned by the Governor, for the term of four

years, and the Governor shall, during the recess of the Legislature, be authorized to suspend until the next session of the same, any of said commissioners, and to fill until the same period, any vacancies in the board, caused by death, resignation or otherwise: Provided, however, that no member of the board of commissioners shall be directly or indirectly pecuniarily interested in any pilot boat or branch pilot in the business of their trust.

Authority of
Commission-
ers.

Sec. 3. Be it further enacted, That said board of commissioners shall be authorized, if they deem it advisable, to examine and decide on the qualifications of any branch or deputy pilot whom they find already appointed at the time of their organization, and it shall be their duty to examine each new applicant for the office of branch or deputy pilot, and to decide on his qualifications, recommending to the Governor, where new appointments are proper, such as are meritorious; and it shall also be their duty to examine into any case of alleged or supposed misconduct, or inefficiency in branch or deputy pilots, and they shall be authorized, after a due hearing of accusation testimony, and defence, to suspend such pilot, if sufficient cause appear; and during such suspension he shall not be allowed to exercise the functions of his office. The Governor shall, however, have power, at his will and pleasure, to remove any branch pilot, or to reinstate any one of the same who has been suspended by the commissioners.

Two years
residence ne-
cessary to
branch Pilots.

Sec. 4. Be it further enacted, That the board of commissioners of pilots of each port, shall require a certain term of residence in the Republic or State of Texas not less than two years, to authorize any person to exercise the functions of branch pilot for their port, as also to establish a term of probation not exceeding one year, as a deputy pilot, before any person can exercise the functions of branch pilot: Provided however, that the latter requirement shall not apply to those

who have been branch pilots in the same port, under the laws of the Republic, and are reappointed under the laws of the State of Texas.

Sec. 5. Be it further enacted, That each branch pilot shall give a bond with two or more securities, made payable to the Governor and his successors in office, for the sum of five thousand dollars, conditioned for the faithful performance of the duties of said pilot; which bond shall be presented to the board of commissioners for pilots, or if there be none, to the chief justice of the county in which the port is situated, and must be approved by said board or judge before said pilot can exercise the duties of his office, and the bond aforesaid shall be forwarded by said commissioners or judge, with their or his approval thereon endorsed, to the Governor. Pilots to give bonds.

Sec. 6. Be it further enacted, That the board of commissioners of pilots shall have authority within the limits provided in this act, to fix the rates of pilotage and to establish regulations respecting the stations whereat, and the times wherein pilots shall be on duty, with provisions for leave of absence, as also respecting the class, condition, number and use of pilot boats, and such other minor regulations compatible with the provisions of this act as may be needful for the governance of pilots and for the order and good effect of the proceedings of the board, of which proceedings a record shall be kept: Provided, no regulation shall be adopted repugnant to the constitution of the State. Commissioners to fix rates of pilotage, &c.

Sec. 7. Be it further enacted, That the board of commissioners of pilots shall be authorized and required to hear and determine all disputes that may arise respecting pilots and pilotage, to award to pilots extra compensation for extra services to vessels in distress, as also compensation for injurious loss of time, incurred by pilots, in waiting on vessels, or by being carried off to sea on vessels by default of the master or owner, when such pilots might have been landed: Pro- Commissioners determine disputes, &c.

vided, always, that no more than three dollars for each day shall be awarded for mere loss of time; and it shall be the duty of said board to superintend and generally attend to all matters appertaining to pilots and pilotage, but from any decision of said board, an appeal may be taken to the court having cognizance of the case.

**Deputy pilots
appointed.**

Sec. 8. Be it further enacted, That each branch pilot may appoint, subject to examination and approval of the board of commissioners, two deputies, for whose acts the branch pilot so appointed shall be responsible; and any branch pilot who shall appoint a deputy without the approval of said board, shall forfeit his own appointment; and the said board shall have authority to restrict all deputy pilots from piloting over the bar vessels of over a certain draft of water.

**Rates of pi-
lotage.**

Sec. 9. Be it further enacted, That the rate of pilotage on any class of vessels shall not, in any port of this State, exceed three dollars for each foot of water which the vessel, at the time of piloting draws, and that whenever a vessel, except of the classes below excepted, shall decline the service of a pilot offered outside the bar, and shall enter the port without the aid of one, she shall be liable to the first pilot whose services she so declined, for the payment of half pilotage, and any vessel which after being brought in by a pilot, shall go out without employing one, shall be liable to the payment of half pilotage to the pilot who brought her in, or if she has come in without the aid of a pilot, though offered outside, she shall in so going out be liable for the payment of half pilotage to the pilot who had first offered his services before she came in; but if she has come in without the aid of a pilot or the offer of it outside, she shall in case of going out without a pilot, not be liable to half pilotage; and when a pilot takes charge of a vessel twenty miles outside of the bar and brings her to it, he shall be entitled to one fourth pilotage for such off-shore service, in addition to what he is entitled to recover

for bringing her in; but if such off-shore service be declined, no portion of the said compensation for it shall be recovered; and the following classes of vessels shall be free from any charge for pilotage, unless for actual service, to wit: all vessels of twenty tons and under; all vessels of whatsoever burthen, owned in the State of Texas and registered and licensed in the district of Texas, when arriving from or departing to any port of the State of Texas; all vessels of seventy-five tons and under, owned and licensed for the coasting trade in any part of the United States, when arriving from or departing to any port in the State of Texas; all vessels of seventy-five tons and under, owned in the State of Texas and licensed for the coasting trade in the district of Texas, when arriving from or departing to any port in the United States.

Sec. 10. Be it further enacted, That any branch or deputy pilot who shall be guilty of taking charge of a vessel in a state of inebriety, shall upon proof of the same, for the first offence be suspended for one month, and for a second offence be dismissed, and be rendered incapable of again serving in either capacity; and if any branch or deputy pilot shall wilfully or by neglect cause the wreck of a vessel, he shall be dismissed and be rendered incapable of again serving in either capacity, and shall be subject to such punishment as is prescribed by law. Pilots inebriate.

Sec. 11. Be it further enacted, That if any person not appointed a branch or deputy pilot shall pilot any ship or vessel out of or into any port of this State, when a branch or deputy pilot has offered such service, the person so piloting shall forfeit and pay to such branch or deputy pilot, the sum of fifty dollars, to be recovered before any court having cognizance of the case. Persons not Pilots may not pilot, &c.

Sec. 12. Be it further enacted, That the consignee of any vessel shall be held responsible for the pilotage of said vessel.

Sec. 13. Be it further enacted, That at any Chief justice

may appoint
provisional
committee.

port whose population and circumstances do not warrant the appointment of a board of commissioners of pilots in the manner before provided, the Governor may authorize the chief justice of the county to appoint a provisional committee of from three to five persons of good character and maritime experience, who shall be authorized under this act to establish the rates of pilotage and the rules for governing pilots; to examine the qualifications of pilots and applicants for the office; to investigate the case of any pilot charged with misconduct or inefficiency, and to suspend him if sufficient cause appear.

Act of Congress repealed.

Sec. 14. Be it further enacted, That the act of congress of the Republic of Texas, entitled an act appointing pilots, approved, May 23, 1838, and that entitled an act regulating the appointment and duties of pilots at the port of Galveston, approved, February 4, 1842, be and are hereby repealed.

Sec. 15. Be it further enacted, That this act take effect from and after its passage.

Approved, 17th April, A. D. 1846.

AN ACT

To designate and officially name the persons who shall be Conservators of the Peace.

Section 1. Be it enacted by the Legislature of the State of Texas, That all judges of the supreme, district and probate courts, the attorney general and district attorneys, all sheriffs, coroners and constables, all justices of the peace, all notaries public, associate justices of the county court and all county commissioners, the mayor and aldermen of all incorporated cities or towns, are hereby declared to be, and made, conserva-

tors of the peace in the State and in the districts or counties in which they respectively serve, and it is hereby made their duty, severally, for the preservation of the peace, to enforce the laws in such cases made and provided.

Sec. 2. Be it further enacted, That this act shall have force and effect from its passage.

Approved, 17th April, A. D. 1846.

AN ACT

To authorize and require the Governor to cause the Constitution and certain Laws of the State of Texas to be translated into the German and Spanish languages.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor is hereby authorized and required to cause the constitution of the State and such general enactments of the Legislature thereof, as in his judgment the public interest may require, to be translated and printed in the German and Spanish languages, and promulgate the same in the counties which embrace German emigrants or Spanish citizens, in sufficient quantity for the due administration of the laws of the State.

Sec. 2. Be it further enacted That the sum of one thousand dollars be and the same is hereby appropriated to carry into effect the provisions of this act; and that the same take effect and be in force from and after its passage.

Approved, 18th April, A. D. 1846.

AN ACT

To establish the County of San Patricio.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county of San Patricio shall hereafter consist and be composed of the territory lying between the river Nueces and river and bay of Aransas, commencing where the Bexar county line crosses the Nueces river; thence, down the east bank of the Nueces river to the Corpus Christi Bay, following the meanders of the bay, to the mouth of the bayou that connects said bay with Aransas Bay; thence, in a direct line to the mouth of Aransas river; thence, following the meanders of the west bank of said Aransas river, to the line of Bexar county; thence, with the line of Bexar county, to the place of beginning.

Sec. 2. Be it further enacted, That the town of San Patricio be, and is hereby declared, the county seat of said county.

Approved, 18th April, A. D. 1846.

 AN ACT

To secure to the State of Texas the Customs revenue received or incurred under the laws of the Republic of Texas.

Customs revenue to be paid into the State treasury.

Section 1. Be it enacted by the Legislature of the State of Texas, That all monies which, in conformity with the laws of the Republic of Texas, or with orders from the secretary of the treasury of said Republic, have been received by the collectors acting under said laws, or orders, whether

received as impost or tonnage duties, or other customs revenue, on any vessel entered or any goods imported, after the 31st of December, 1845, and before the 16th day of February, 1846, as also any monies which may be hereafter received by any agent of the State of Texas as customs revenue incurred by vessels entered or goods imported between said dates, shall be paid into the treasury of the State.

Sec. 2. Be it further enacted, That any suit which has been or which may be instituted against any collector of customs, or any agent of the State of Texas, for reclaim of customs revenue which has been or may hereafter be collected on vessels entered or goods imported between the 31st December, 1845, and the 16th of February, 1846, while the revenue laws of the Republic of Texas were in force, and by such collector or agent paid over to the treasury officers, or so collected and paid over in conformity with orders from the secretary of the treasury of said Republic, or for indemnity for any act done by such collector or agent in conformity with said laws or orders to secure such revenue on goods imported or vessels entered between the 31st of December, 1845, and the 16th of February, 1846, such suits shall be defended by and at the expense of the State of Texas, and each and every judgment which may be rendered against such collector or agent in any suit instituted as aforesaid, shall be paid and satisfied by the State of Texas; and if any collector or agent shall be sued as aforesaid, it shall be his duty to notify the Governor of the State, and district attorney of the district in which he may be so sued, whose duty it shall be to defend such suit on the part of the State.

Suits against collectors to be defended at cost of State.

Sec. 3. Be it further enacted, That the Governor is hereby authorized and required, when necessary, to employ additional counsel to represent the State, who shall be allowed for his services not more than ten per centum when the amount in controversy does not exceed five hundred dol-

Additional counsel.

lars, nor more than five per centum on any excess above five hundred dollars.

Five per cent.
per-month in-
terest to be
paid on fail-
ure to pay
monies over.

Sec. 4. Be it further enacted, That any customs collector appointed under the laws of the Republic or any agent of the State of Texas, who shall fail to pay into the treasury of the State within the time prescribed by law, any monies received by him as customs revenue aforesaid, shall, in addition to the penalties imposed by law, pay five per centum interest per month on the whole amount so withheld by him.

Sec. 5. Be it further enacted, That this act take effect from and after its passage.

Approved, 18th April, A. D. 1846.

AN ACT

To require the County of Wharton to pay a portion of the County debt of Colorado and Matagorda Counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That the chief justices of the counties of Matagorda, Wharton and Colorado, be and they are hereby required to meet on the first day of December, 1846, at the court house of Wharton county, and ascertain the county debt now owing by the said counties of Matagorda and Colorado respectively, and after ascertaining said debts, they shall apportion the debt of Matagorda county, between the counties of Matagorda and Wharton, assigning to each of said counties its fair proportion of said debt, according to the assessment of property for State taxes, made by the assessor of Matagorda county for 1845; and they shall also apportion the debt of Colorado county between the counties of Colorado and Wharton, assigning to each of said counties its fair proportion of said debt, according to the assessments of property for State

taxes, made by the assessor of Colorado county for the year 1845.

Sec. 2. Be it further enacted, That after said county debts shall have been so apportioned, the county of Wharton shall be bound to provide for and pay its proportion of the debts of the said counties of Matagorda and Colorado, so assigned to it, as if the same had been originally contracted by the county of Wharton.

Sec. 3. Be it further enacted, That a majority of said chief justices shall form a quorum for the transaction of any or all of the business required of them by this act, and they may adjourn from day to day, or from time to time, until they shall have completed the duties required of them by this act.

Sec. 4. Be it further enacted, That the said chief justices or a majority of them shall make a record of their doings under this act, which shall be signed by them, and one copy thereof shall be deposited with the county clerk of each of the counties of Matagorda, Wharton and Colorado; and that the said chief justices shall receive such compensation for their services under this act, as may be allowed them by their respective county courts.

Sec. 5. Be it further enacted, That all liabilities of the county of Matagorda, hertofore contracted, shall be received in payment of that portion of the county debt of Matagorda, which shall be assigned to the county of Wharton under the provisions of this act; and in like manner all liabilities of the county of Colorado, hertofore contracted, shall be received in payment of that portion of the county debt of Colorado, which shall be assigned to the county of Wharton.

Sec. 6. Be it further enacted, That all taxes, dues and demands of every character, now due and owing to the county of Matagorda by citizens of Wharton county, and upon property situated in the limits of Wharton county, shall accrue and be payable to the county of Wharton; and in like manner all taxes, dues and demands of any character, now due and owing to the county of Colorado by citizens of Wharton county, and upon property situated in the limits of Wharton county, shall accrue

and be payable to the county of Wharton, and all such taxes, dues and demands shall be collected by the proper officers of Wharton county, and paid into the county treasury of said county, in like manner as the same could have originally been collected and paid into the county treasuries of Matagorda and Colorado respectively.

Approved, 18th April, A. D. 1846.

AN ACT

To establish the County of Nueces.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that part of the county of San Patricio lying between the Rio Grande and the Nueces River is hereby incorporated into a county by the name of the county of Nueces, and a direct line running from the junction of the Cibolo or San Bartolo Creek to the Rio Frio, at a point thirty miles above its junction with the Nueces; thence, in a direct line to the town of Laredo, shall be the dividing line between the counties of Nueces and Bexar, from the river Nueces and from the above boundary of Nueces, at Laredo, the river Rio Grande shall be the western boundary of the county of Bexar.

Sec. 2. Be it further enacted, That Corpus Christi shall be the county seat of said county of Nueces.

Approved, 18th April, A. D. 1846.

AN ACT

To connect Galveston Island with the main land at Virginia Point.

Section 1. Be it enacted by the Legislature of the State Texas, That the county of Galveston be, and is hereby authorized to construct a public highway or bridge from Galveston Island to the main land at Virginia Point, at such place as may be deemed most eligible: Provided, that there shall be erected on such bridge or highway, a draw-bridge over the channel of the bay so as to admit the free passage and repassage of all vessels engaged in the navigation of the bay without charge or toll: Provided, that said bridge or causeway shall not injuriously impede the navigation of Galveston Bay.

Bridge or
causeway.

Sec. 2. Be it further enacted, That said county may from time to time establish toll; Provided, the rates shall never exceed for a road wagon two dollars; for a two horse wagon one dollar; for an ox cart one dollar; for a one horse cart or wagon seventy-five cents; for a two horse pleasure carriage two dollars; for a one horse pleasure carriage one dollar; for a horse and rider fifty cents; for grown horses or cattle twenty-five cents per head; for sheep or hogs per head six cents; and for all foot passengers twenty-five cents; and for all articles not herein enumerated at equivalent rates to those herein specified.

Rates of toll.

Sec. 3. Be it further enacted, That for the purpose of enlisting individual capital and enterprise in the construction of said bridge or highway, the county aforesaid is hereby authorized to give, grant or bestow any part or portion of the tolls arising therefrom to individuals, who shall be bound to keep said bridge or highway in good repair.

Sec. 4. Be it further enacted, That there shall be kept in constant attendance at the draw-bridge and toll gate of said highway or bridge, a sufficient number of persons to admit intercourse by day or night, and the parties undertaking the same, shall

Toll collect-
or's duty.

be subject to a fine of five dollars for every case of detention caused by his or their negligence or inattention, to be paid to the treasurer of the county and damages caused to the party detained, recoverable before any judge or justice of the peace for said county.

Sec. 5. Be it further enacted, That the chief justice and associate justices of said county, or whosoever may hereafter execute their present functions be, and are hereby vested with full power to carry this act into effect.

Approved, 18th April, A. D. 1846.

AN ACT

To establish the Seat of Justice of Limestone County.

Section 1. Be it enacted by the Legislature of the State of Texas, That until otherwise provided by law, the seat of justice of Limestone county shall be at Springfield; and all courts for said county shall be held thereat; and that this act take effect and be in force from and after its passage.

Approved, 18th April, A. D. 1846.

AN ACT

Authorizing the Governor to offer a reward for fugitives.

Section 1. Be it enacted by the Legislature of the State of Texas, That if any person charged with or convicted of treason, murder, or other capital crimes, shall break prison, escape, or flee from justice, and abscond or secrete himself, that

in such cases it shall be lawful for the Governor, if he shall judge it necessary, to offer any reward not exceeding five hundred dollars, for apprehending and delivering such person or persons into the custody of such jailer as he may direct.

Sec. 2. Be it further enacted, That the person or persons so apprehending and delivering any such person as aforesaid, and producing the jailer's receipt for the body of such person, duly authenticated before some notary public or chief justice, that such person or persons are entitled to the reward, the comptroller of public accounts shall issue his warrant on the treasurer of this State for the amount thereof.

Sec. 3. Be it further enacted, That this act be in force from its passage.

Approved, 18th April, A. D. 1846.

AN ACT

To establish the Seat of Justice of Dallas County.

Section 1. Be it enacted by the Legislature of the State of Texas, That until otherwise provided by law, the town of Dallas shall be the seat of justice for Dallas county, and all the courts for said county shall be held thereat.

Sec. 2. Be it further enacted, That this act shall be in force from and after its passage.

Approved, 18th April, A. D. 1846.

AN ACT

Defining the limits of Nacogdoches County.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the pas-

sage of this act, the following described boundaries, to wit: commencing on the south-east corner of Rusk county, in the Attoyac river; thence, down said river, with its meanders, to its junction with the Angelina river; thence, up the said Angelina river, with its meanders, to the southern boundary line of Rusk county; thence, east, with the said line, to the place of beginning, shall be known and are hereby constituted as the limits and boundary lines of the county of Nacogdoches.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

Approved 18th April, A. D. 1846.

AN ACT

To organize the Militia of the State of Texas.

**Persons liable
to militia
duty.**

Section 1. Be it enacted by the Legislature of the State of Texas, That every able bodied free male inhabitant of this State, between the ages of eighteen and forty-five years, shall be liable to perform military duty, except as herein provided; but no person shall be called upon to perform military duty who shall not at the time have resided at least one month in the State and ten days within the bounds of the company to which he belongs, except in cases of actual or threatened invasion, in which case he shall perform such duty as may be required of other persons, and shall be subject to like fines and penalties.

Who exempt.

Sec. 2. Be it further enacted, That judges of the supreme, district and probate courts, secretary of state, auditor, treasurer and comptroller of the state, clerks of the supreme and district courts, justices of the peace, post masters who have the care of the mails of the United States, post riders, public millers, ferrymen on public roads, teachers and professors in academies, shall be ex-

empt from military duty, except in cases of imminent danger, insurrection or invasion.

Sec. 3. Be it further enacted, That the militia of the State shall be divided into, and compose five divisions. ^{Five divisions defined.} The first division to be composed of the counties of Fannin, Lamar, Red River and Bowie; the second division shall be composed of the counties of Harrison, Shelby, San Augustine, Nacogdoches, Rusk, Houston and Sabine; the third division shall be composed of the counties of Jasper, Jefferson, Liberty, Galveston, Harris, Montgomery, Robertson and Brazos; the fourth division of the counties of Brazoria, Fort Bend, Austin, Washington, Milam, Travis, Bastrop, Fayette, Colorado and Matagorda; the fifth division shall be composed of the counties of Jackson, Victoria, Gonzales, Bexar, Goliad, Refugio and San Patricio; and each division shall consist of two brigades. The first brigade in the first division shall consist of the counties of Fannin and Lamar, and the second brigade in the first division of the counties of Red River and Bowie; and the first brigade in the second division of the counties of Harrison, Shelby, San Augustine and Sabine, and the second of the counties of Rusk, Nacogdoches and Houston; and the first brigade in the third division of the counties of Jasper, Jefferson, Liberty and Galveston, and the second brigade of the counties of Harris, Montgomery, Robertson and Brazos; and the first brigade in the fourth division of the counties of Brazoria, Fort Bend, Austin, Washington and Milam, and the second of the counties of Travis, Bastrop, Fayette, Colorado and Matagorda; and the first brigade in the fifth division of the counties of Jackson, Victoria and Gonzales; and the second of the counties of Bexar, Goliad, Refugio and San Patricio; each of which shall be commanded by a brigadier general.

Sec. 4. Be it further enacted, That the militia ^{Regiments and battalions.} of each county, when the number of persons therein subject to military duty shall be sufficient to constitute two battalions as hereinafter provided, shall constitute one regiment, but when the number of militia men in any county shall not be sufficient to

constitute two battalions, the militia of such county shall constitute a separate battalion to be formed into independent companies, as may be found most convenient, and when the number in any county shall exceed the whole number hereinafter required to constitute a full regiment exclusive of any independent companies which may be raised in such county, the same may be divided into two regiments by the brigadier general commanding the brigade, to which such county may belong, in such manner as he shall direct; each battalion shall consist of not more than four nor less than two companies, and each company of not more than one hundred nor less than thirty-two non-commissioned officers and privates, and the regiments and battalions shall be numbered by the commander-in-chief and arranged in numerical order.

Rank of commissioned officers.

Sec. 5. Be it further enacted, That all commissioned officers shall rank according to their grades, and the date of their commissions; but when officers of the same grade are elected or appointed on the same day, a difference in the date of their commission shall not determine their rank; the rank of all the field or general officers of this State being of the same grade, and who are elected or appointed on the same day, under the provisions of this act, for the government and organization of the militia of this State, shall be determined by lot to be drawn by the adjutant general in the presence of the Governor and secretary of state, which duty he is required to perform as soon as practicable, and immediately thereafter to transmit to each officer so drawn, the result of such drawing; and it shall be the duty of the adjutant general to make an entry in a book kept by him for that purpose, of the grade and rank of each officer, whose rank is determined as specified in this act.

Rank of Captains and subalterns regulated.

Sec. 6. Be it further enacted, That the rank of captains and subaltern officers which may hereafter be elected on the same day, belonging to the same regiment, shall be determined by lot drawn in presence of the colonel commandant; and the adjutant shall make a record of the grade and rank of each officer whose rank is so determined, and

each regiment shall be commanded by one colonel, and each separate battalion and the first battalion in each regiment by a lieutenant colonel; the second battalion in each regiment by one major; each company by one captain, one first and one second Lieutenant, and such non-commissioned officers as are usually appointed to companies in the service of the United States. The major generals shall each appoint his aide-de-camp, and the Governor shall appoint one aide-de-camp in each major general's division, with the rank of colonel of cavalry; the brigadier generals each his aide-de-camp and brigade major; the commanding officer of each regiment and separate battalion his pay master, judge advocate, adjutant quarter master, sergeant major and fife major, and the captains their drummers and fifers.

Sec. 7. Be it further enacted, That the major and brigadier generals of the State shall be allowed to appoint in addition to the staff allowed them by this act, such other additional staffs as are allowed to officers of a like grade in the army of the United States.

Sec. 8. Be it further enacted, That the staffs of the major generals shall rank as colonels of infantry; the staffs of the brigadier generals as majors of cavalry, and the staffs of colonels commandant shall rank as captains of infantry, and the said officers when called into active service, either by authority of this State or the United States, shall be entitled to the same pay and emoluments as officers of the like grade belonging to the United States army.

Sec. 9. Be it further enacted, That the militia of this State, on the election day of civil officers next, at the usual places of holding elections in the several counties, shall elect one major general for each division, and one brigadier general for each brigade, as contemplated by this act, which election shall be held by the same judges, conducted in like manner, and returns thereof be made in the same way as the election of civil officers are required by law to be held, conducted and returned, and said

**Maj. Gen's.
staff.**

**Major and
Brigadier
Generals
elected.**

returns shall be made to the Governor within thirty days after the election.

Duties of
Brigadier
Generals, Co-
lonels, Lieu-
tenant Colo-
nels and Ma-
jors.

Sec. 10. Be it further enacted, That it shall be the duty of each brigadier general so soon as he may be elected and commissioned by the Governor, under the provisions of this act, to proceed without delay to divide his brigade into regiments and battalions, or separate and independent battalions, as the case may be, and said division shall be made as nearly equal and equitable as practicable, and it shall be the duty of the said brigadier generals to proceed to order or cause elections to be holden throughout their respective commands for colonels commandant, lieutenant colonels and majors for each regiment or separate battalion, which election shall be held according to law, and returns made thereof to the Governor, who shall commission said colonels, lieutenant colonels and majors, as the case may be; and said colonels, lieutenant colonels and majors shall, after receiving their respective commissions as herein contemplated, cause their respective regiments or battalions to be divided into companies as nearly equal as practicable and cause elections to be holden in each company beat for captain, one first lieutenant and one second lieutenant for each company, and such other officers as are allowed by law in the United States service, giving at least fifteen days notice of such election, which election shall be held according to law regulating elections for civil officers, and the returns thereof be made to the colonel commandant or the lieutenant colonels commandant of each separate battalion, as the case may be, within ten days thereafter, whose duty it shall be to keep said election returns, and within five days thereafter to make out an abstract of said election returns under his hand and seal, and transmit the same to the Governor by mail, whose duty it shall be to commission all persons elected as aforesaid; and the term of service of all officers elected under the provisions of this act shall be for four years or until the day of general election of members of the legislature, in the year 1850: Provided, that all officers so elected shall hold their offices until their

Elections and
returns.

successors are duly elected and commissioned.

Sec. 11. Be it further enacted, That it shall be the duty of the Governor to issue his proclamation requiring elections to be holden in each division, brigade, regiment, battalion and company, throughout the State, for all officers contemplated by this act, to be elected on the day set apart by law for the election of members of the State legislature, in the year 1850, which elections shall be held at the same places, conducted in the same manner and returned in the same way as elections for civil officers, to the Governor of the State, who shall commission the same. All elections to fill vacancies shall be held as follows: for the election to fill a vacancy in the office of major general, the Governor shall issue his order, giving sixty days notice, which election shall be held at the usual places of holding elections for civil officers in each and every county composing the division in which such vacancy may occur, and such election shall be held and conducted in the same manner as herein before provided; and to fill a vacancy in the office of brigadier general, the major general shall issue his order, giving forty days notice; to fill a vacancy in the office of colonel of a regiment or lieutenant colonel commanding a separate battalion, the brigadier general shall issue his order, giving thirty days notice; to fill a vacancy in the office of lieutenant colonel or major of a battalion, [the colonel] shall issue his order, giving ten days notice, and to fill a vacancy in the office of first or second lieutenant, the captain shall issue his order, giving five days notice thereof; and in all cases when elections shall be holden to fill vacancies, the individual so elected shall hold his office for the unexpired term of such office only.

Time of holding elections.

Sec. 12. Be it further enacted. That no person who shall be elected and commissioned in the military department of this State, shall resign the same until he shall have fully organized the militia under his command, and shall have made full returns thereof of the number of effective men under his command, to his superior officer, under the following penalties: if he be a major general, in the sum of

No commissioned officer shall resign until, &c.

one hundred dollars; if a brigadier general, in the sum of twenty-five dollars; if a colonel of a regiment or a lieutenant colonel of a separate battalion, in the sum of fifty dollars; if a lieutenant colonel or major of a battalion, in the sum of forty dollars; if a captain, in the sum of thirty dollars; if a first or second lieutenant, in the sum of twenty dollars; to be recovered and appropriated as other fines and penalties are by this act directed.

Failure to
elect officers
provided for.

Sec. 13. Be it further enacted, That in all cases where the militia in any of the military divisions of this State shall fail to elect such officers as they are required to by law, such division shall be attached to and form a part of some other division, which shall have the requisite officers, and shall be subject to perform all military duty by this act required, under the command of the officers of the division to which they may be attached; if the delinquency or failure shall occur in a company division, the militia of such division shall be attached to the next adjoining company in the same battalion, if any company of the battalion to which such division belongs shall have the requisite officers, by order of the lieutenant colonel or major of such battalion; and if there shall be no company in the battalion, organized and officered as required by this act, the militia of each company of such battalion shall be attached to the most convenient company of the regiment which shall be found to have the requisite officers, by an order of the colonel of such regiment; and if any regiment or separate battalion shall be found unorganized and without the requisite officers, the militia of such regiment or separate battalion shall be attached to the most convenient regiment or separate battalion in the brigade which shall be found to have the officers and organization required by law, by an order of the brigadier general of the brigade to which such regiment or battalion may belong. If any brigade shall be found unorganized and without the requisite officers to command the same, the militia of such brigade shall be attached to the most convenient brigade in the division to which such brigade shall belong, which

shall be found to have the officers required by law, by order of the major general of such division; and in all cases when the militia of any division shall be attached to any other division, as herein before provided, the militia so attached shall be commanded by the officers of the division to which they shall be attached, and shall be liable to the same duty and subject to the same fines and penalties as if they had previously belonged to such division; and the militia of any division attached to another division as aforesaid shall remain subject to such command until they shall be admitted by an order of their superior officer to whose command they may be attached, to elect the requisite officers to command such division, and shall have reported to him that they have all the requisite officers for the command of their separate divisions duly elected and commissioned; after which the command of the officers of the division to which they shall have been attached shall cease, and shall devolve on the officers of the division elected and commissioned as aforesaid; and if any division shall be found a second time unorganized and without officers as required by this act, they shall in like manner be again attached to some division having the requisite officers and organization, and shall be debarred the privilege of again separating from the division and command to which they shall be attached, and shall permanently compose a part of said command, any thing in this act to the contrary notwithstanding; and the officer whose duty it is made by this act to order the militia of any of the divisions to be attached to some other division, as provided for by this act, shall at the time of issuing said order, give public notice thereof to the militia of the division to be attached as aforesaid: if it be a company, the notice shall be in writing, put up in at least two of the most public places in the company beat; if it be a battalion the like notice shall be put up in at least one of the most public places of each company of the battalion; if a brigade, regiment or separate battalion the like notice shall be put up in at least one of the most public places of the brigade, regiment or separate bat-

talion, or be published for three weeks successively in one or more of the newspapers published in this State; and any notice given as aforesaid shall be deemed in law sufficient, and the militia so notified shall from the time of issuing such order and giving such notice, be considered and treated as part of the division to which they may be attached and compose a part of the command of the officers of the division to which they are attached, anything in this act to the contrary notwithstanding; any any general order issued by the commander-in-chief, any major general or brigadier general, and published in any newspaper printed in this State, for three weeks successively shall be deemed in law, a sufficient notice thereof, to the militia and to all persons to be affected thereby, and shall be to all intents and purposes as valid as if the same were communicated by express or in any other manner whatever.

Contested
elections.

Sec. 14. Be it further enacted, That all elections in the militia department which may hereafter be contested, shall be determined in the following manner, viz: If the election of a major general shall be contested, the party contesting such election shall furnish the Governor a fair statement of his reasons, in writing, upon the receipt of which he shall order a general court martial to be held at such place as he may designate in the division to which such major general belongs, at which court each militia officer of such division, not under the grade of a field officer, shall be entitled to a seat; and if the election of a brigadier general shall at any time be contested, the complainant shall make the like complaint and application to the major general of the division to which such brigade belongs, who is upon the receipt thereof, required to order a brigade court martial, as in other cases; and when the election of a colonel of a regiment or lieutenant colonel of a separate battalion or lieutenant colonel or major of a separate battalion, shall be contested complaint and application shall in like manner be made to the next highest officer in command, who upon receipt thereof, shall order a regiment court martial accordingly; if under

the rank of a field officer all complaints and applications shall be made to the commanding officer of the regiment or separate battalion where the contest exists; and in order to explain and fix a principle to govern the several courts martial in their duties respecting contested elections, it is hereby declared that the person contesting shall in all cases be bound to furnish satisfactory proof to the court that the person whose election is contested did receive a number of illegal votes, which, if deducted, would give a majority to the person contesting, and if the contesting person shall fail to establish his charge, or if the charge shall be sufficiently supported, in either case, the court shall report in favor of the person having the greatest number of legal votes as being duly elected; and the president of each court martial shall certify under his hand the name or names of the person thus duly elected, which certificate, if the officer shall be of the grade of general or field officer, shall be directed and sent to the Governor; if commissioned officers of companies, the certificate shall be signed as aforesaid and be directed and sent to the colonel of the regiment or lieutenant colonel of the separate battalion and by him to the Governor, who shall issue commissions in either of the above cases; and in order to provide more amply for deciding contested elections, it is hereby declared that when the cause shall arise from any illegal proceedings of any person ordering, conducting or judging said election, on proof thereof being made satisfactory to the court martial, such election shall be declared void, and the president by and with the authority of such court martial shall direct the proper officer to issue an order or orders for an election to fill such vacancy, which election, so ordered, shall in all things be conducted in the same way as other elections to fill vacancies in like offices are by this act directed.

Sec. 15. Be it further enacted, That each and every officer elected and commissioned under the provisions of this act shall, previous to entering upon the execution of the duties of his office, take the following oath: I ———, do solemnly swear

Oath of office. that I will support the constitution of the United States and of this State, and that I will faithfully and justly execute the duties of the office of — in the — company, battalion, regiment, brigade, or division, as the case may be, of the militia of this State according to the best of my skill, power and judgment, so help me God; a copy of which shall be endorsed on the back of the commission, signed by the person taking the same and attested by the officer who administered the oath.

Removal vacates office.

Sec. 16. Be it further enacted, That if any commissioned officer shall move out of the bounds of his division, brigade, regiment, separate battalion, or company, or offer himself a candidate for any other military appointment, or shall be absent therefrom otherwise than on military duty, for more than twelve months at one time, his office thereby shall become vacated; and if any commissioned officer shall think himself injured by his superior officer, and shall upon due application made to him be refused redress, he may complain to the brigadier general, who shall order a brigade court martial, to be held under the rules and regulations prescribed by this act; if any inferior officer or private shall think himself injured by his captain or any other superior officer in the regiment or separate battalion to which he belongs, he may complain to the commanding officer of the regiment or separate battalion, who shall order a court martial, and such court shall determine the complaint agreeably to the nature of the case: Provided, that the person complaining shall exhibit his charge in writing supported by oath or affirmation.

Company muster.

Sec. 17. Be it further enacted, That every captain or commanding officer, shall hold at least two company musters between the months of March and November in each year, and shall require the non-commissioned officers of his company, or such of them as he shall designate, to warn his men of the place of muster, in all cases where notice thereof was not given at the previous muster; and each captain shall have the right to designate his muster ground, but shall select some

suitable muster ground, as near central as circumstances will permit; and after the first muster the company shall select a place of muster, and every officer, non-commissioned officer and private shall appear at his respective muster field by eleven o'clock in the forenoon, and not leave the parade until permitted by the officer commanding the troops; and at every muster each captain or commanding officer of the company shall direct the first sergeant of the company to call the roll, in his presence, between the hours of eleven and twelve o'clock; and the commanding officer of each company shall examine every person belonging to his company, note all delinquencies, make out an accurate statement of the strength and condition of his company, and make re-
Returns.
turns thereof to the judge of the county or probate court, and to the commanding officer of the battalion to which he belongs, within twenty days thereafter, whose duty it shall be to return the same to the commanding officer of his regiment within ten days thereafter, whose duty it shall be to make out an accurate statement of the condition of his regiment, and return the same to the commanding officer of the brigade, within ten days thereafter, to which he may belong; and the commanding officer of a separate battalion shall make a like return to the commanding officer of the brigade to which he belongs, within the same time; and the brigadier general shall make a like return to the major general commanding the division to which his brigade belongs, within twenty days thereafter; and the major general of a division shall make a like return of the division under his command, to the adjutant general of the State, within twenty days thereafter; and it shall be the duty of the adjutant general to furnish such blank forms of all the different returns, an explanation of the principles on which they should be made, as shall be approved by the commander-in-chief; and also, to receive the returns of the militia throughout the State, from all which he shall make the proper abstract and lay the same before the commander-in-chief of this State, within twenty days after they shall have been received by

him, or sooner if required by the commander-in-chief; and the commander-in-chief when required, shall lay the same before the Legislature of the State.

**Disobedience
of orders, &c.**

Sec. 18. Be it further enacted, That if any non-commissioned officer, musician, or private at any muster, shall disobey the legal and proper orders of his superior officer, or act in a disorderly manner, or if by standers at any such muster, shall insult, or otherwise molest any officer, non-commissioned officer or private, while on parade, or employed in any other service authorized by the laws of this State, the commanding officer of the company may order such person to be arrested and placed under guard for any length of time not exceeding three hours, and the person or persons so offending, shall moreover be subject to pay such fines as may be imposed in the manner hereinafter provided.

**Penalties in-
flicted.**

Sec. 19. Be it further enacted, That in order to compel the observance of the provisions of this act, and for the purpose of introducing a proper degree of subordination and discipline in the operations of the militia of this State, the following penalties shall be incurred and inflicted in the manner hereinafter directed, that is to say: the adjutant-general for a neglect or violation of those duties imposed upon him by this act, shall incur a penalty not exceeding one year's pay, nor less than three months pay; and any commissioned or staff officer for failing to perform the duties required of him by this act, shall forfeit and pay as follows: commandant of a regiment or separate battalion, the sum of fifty dollars; lieutenant colonel or major of a battalion, the sum of fifty dollars; the commanding officer of a company or adjutant, twenty dollars; and those officers respectively, shall moreover be liable to be cashiered at the discretion of a court martial. Each non-commissioned officer failing to give notice of any muster, when he shall receive orders for that purpose, without a reasonable excuse, shall be fined in the sum of five dollars; each non-commissioned officer, musician or private failing to attend any muster, or disobeying any

order, which by virtue of this act his superior may give, or failing to repair to the prescribed rendezvous, when properly warned so to do, or failing to do his duty when there, or absenting himself without a lawful excuse, shall forfeit and pay such fine as the court martial shall order under the circumstances of the case, not exceeding the sum of five dollars; every non-commissioned officer appointed in pursuance of this act, shall serve for the term of one year or pay a fine of ten dollars, the payment of which penalty shall if such person insist on the privilege, exempt him from the duties of such office for the space of two years.

Sec. 20. Be it further enacted, That it shall be the duty of the commanding officers of companies to proceed forthwith to divide the companies into classes by ballot, from one to three, for the purpose of a regular routine of duty when called into actual service, and to return a roll of each class and its number, in rotation, within thirty days thereafter, to the commanding officer of the battalion, who shall transmit the same to the commanding officer of the regiment, who shall cause the same to be recorded by the judge advocate; and the commanding officer of the regiment or separate battalion shall make a return of the same to the brigadier general, and those enrolled in the first class shall be subject to perform the first tour of duty, and those in the second class the second tour of duty, and those of the third class the third tour of duty, and so on in rotation. When any colonel of a regiment or lieutenant colonel of a separate battalion shall be charged with mal-administration or neglect of duty, it shall be lawful for any commissioned officer to exhibit to the brigadier general of the brigade, or such other officer as shall at the time have command of the brigade, a fair statement in writing, of the charge or charges and the facts intended to establish the same; and the brigadier general is hereby authorized to order a brigade court martial to consist of at least seven members,

Classes.

Preferring charges.

none to be under the grade of field officers, who when assembled shall take and subscribe the same oath prescribed for regimental courts martial, and the court being thus sworn shall enquire into the nature and truth of the charge or charges, and if the officer accused shall be found guilty of such neglect of duty, he shall forfeit and pay (if guilty of a misdemeanor in office,) any sum not exceeding fifty dollars, and shall be cashiered; and when any lieutenant, captain, lieutenant colonel of the first, or major of the second battalion of any regiment, shall be charged with any misdemeanor in office or neglect of duty, it shall be lawful for any officer, non-commissioned officer or private to exhibit to the colonel of the regiment, or lieutenant colonel of a separate battalion, a fair statement of the charge or charges and the facts intended to establish the same, and the colonel or lieutenant colonel to whom such complaint is made in writing, may in his discretion order a regimental or battalion court martial, to consist of at least five commissioned officers, who shall take and subscribe the oath directed to be taken, by this act, and when sworn shall enquire into the nature and truth of the charge or charges so exhibited, and if found guilty of a misdemeanor in office, the officer so accused shall be cashiered, and if guilty of neglect of duty shall be fined as prescribed by law; but no sentence of any court martial cashiering any officer shall be final, until the same be laid before the commander-in-chief and by him approved, if the officer cashiered shall pray an appeal from such decision to him; otherwise the same shall be final.

Substitutes
allowed.

Sec. 21. Be it further enacted, That if any person shall be called upon to perform a tour of duty, such person shall be acquitted, provided he furnish to his commanding officer an able bodied substitute in his room or stead, and if any such substitute should be called into actual service in his own term previous to the expiration

of the term for which he shall have enrolled as such substitute, then the person procuring such substitute shall march in his room, or procure another substitute for the remainder of the term, or be liable to the same penalties as if called upon in his own name. Any person called upon to perform a duty as aforesaid, and serving by himself or substitute, or otherwise paying such fine as the court martial shall adjudge adequate to the offence, shall not be bound to perform any tour of duty until regularly called upon by rotation.

Sec. 22. Be it further enacted, That when it may be necessary to call into actual service any part of the militia, on an actual or threatened invasion of this State or any of the neighboring states or territories, it shall and may be lawful for the Governor to order into the service such part of the militia as the emergency may require; and when any part of the militia of this State shall be called into actual service, it shall be the duty of the commander-in-chief to order from the regiment or battalion from which the militia shall be detached, in proportion to the men furnished by the regiment or battalion, a sufficient number of officers, giving preference to senior officers of said regiment or battalion, to officer said detachment, and in all cases the officers of the militia of this State shall be called on to perform their tour of duty, in rotation, in the same manner as is by this act directed for the several classes of the militia: Provided, however, that no militia man shall be compelled to serve more than six months at one time; and sixty days shall be considered a tour of duty.

Sec. 23. Be it further enacted, That in case of actual invasion or insurrection, or an invasion threatened or premeditated against this State or any part thereof, it shall be lawful for the Governor, or any officer by him directed, to order into actual service all or any portion of the militia, as the emergency may require, and to discharge

Governor
may call mi-
litia into ser-
vice.

such troops as soon as he may judge consistent with the interests of the State; and if a sudden insurrection should be raised, or invasion made upon any county within this State, the commanding officer of the militia of said county is hereby authorized and directed to order out such part of the militia as he may think necessary for suppressing such insurrection, or repelling such invasion, and may, if in his judgment the emergency of the occasion requires it, make a requisition on the commanding officer of the militia of any adjoining county not so invaded or endangered, whose duty it shall be to comply with such requisition: Provided, always, it shall be the duty of such officer so ordering out the militia, or any part thereof, to transmit to the Governor, as early as practicable, a statement of his proceedings, setting forth his reasons for exercising such authority; and the militia so called out shall be discharged within thirty days after their rendezvous, except they shall be continued in service for a longer time by the executive authority of this State; and the militia of this State when in actual service, shall be governed by the rules and articles governing the armies of the United States.

**Trial by court
martial.**

Sec. 4. Be it further enacted, That every officer to be tried by a court martial shall have ten days notice given him of the time and place appointed for the trial, and shall be furnished with a copy of the charges exhibited against him at least ten days before the setting of said court. In every court martial for the trial of an officer, not less than two thirds of the number present shall agree in the sentence or judgment of said court, otherwise the person charged shall be acquitted; and when the members shall be required to give their votes on a question or decision, they shall begin with the youngest in commission: Provided, That no commissioned officer shall be allowed to resign his commission while under arrest.

Sec. 25. Be it further enacted, That the captains and subaltern officers of each and every company, or a majority of them, shall on the muster day next succeeding the muster of each company, at which there has been any delinquency or delinquencies, hold a court for the adjustment of fines in each company; and the commanding officer of the company shall issue his warrant, directed to any sheriff or constable in his beat, which warrant shall have the force and effect of an execution, and said constable shall proceed to collect the same in the same manner as if said execution had issued under and by the authority of any civil officer within this State; and all fines collected by virtue of the provisions contained in this section shall be paid to the captain of such company, within ten days after the same may be collected, and by him applied to the purchase of a drum, fife and colors, and for other purposes for the use of the company.

Company courts to be held.

Sec. 26. Be it further enacted, That when either the major general, brigadier general or brigade major shall be charged with malfeasance or neglect of duty in office; if a major general it shall be lawful for any militia officer not under the grade of a field officer to exhibit to the Governor for the time being, a fair statement of the charge or charges with the facts intended to establish the same, who is hereby authorized to order a general court martial to consist of at least nine members, none to be chosen under the grade of a field officer, who, when convened shall take and subscribe the same oath prescribed for regimental courts martial; the said court thus sworn, shall have power to enquire into the nature of the offence, and if it shall constitute a misdemeanor in office, he shall be removed from the same; if for neglect of duty, he shall forfeit and pay a sum not exceeding one hundred dollars, at the discretion of the court martial, to be collected as in similar cases of fines; if a brigadier general or brigade major shall be guilty of either

Field officers how charged.

Trial.

of the aforesaid offences, the charge shall be submitted to the major general, who shall issue his order to the senior colonel commanding in the brigade in which the person charged resides, by virtue of which order the colonel shall hold a court martial and proceed in the same manner as directed for the trial of major general: Provided, that in all cases of charges exhibited against officers, the officer ordering a court martial shall as soon as practicable furnish the person charged with a copy of the charges exhibited against him, and the president of the court martial shall give him at least ten days notice of the time and place appointed for trial, and cause such witnesses as may be required by either party to be summoned by the adjutant of the regiment in which they reside; and every person summoned and failing to attend, or refusing to be sworn, shall be tried by the court martial, and if he be an officer may be cashiered or fined at the discretion of the court martial, not exceeding fifty dollars; if a non-commissioned officer or private he may be fined not exceeding twenty dollars, and moreover be confined under guard or put in jail until he will give evidence.

Judge advocate's oath.

Sec. 27. Be it further enacted, That each judge advocate previous to entering on the duties of his appointment shall take an oath to support the constitution of the United States and of the State of Texas, and also that he will well and truly perform the duties of judge advocate, according to law and the best of his skill and abilities, which oath shall be in writing, signed by the judge advocate, and attested by the officer who administered the same; the judge advocate thus sworn, shall administer the following oath to the officers previous to their entering on the duties of any court martial, viz: You, and each of you do solemnly swear that you will well and truly enquire into the delinquencies which may appear on returns which may be laid before you, and will assess the fine thereon as may seem just, according to law, without

favor or affection, partiality or prejudice, and that you will not disclose or discover the vote or opinion of any particular member of this court, unless required to give evidence thereof in a court of justice, so help you God. It shall be the duty of the judge advocate to provide a book in which he shall record the proceedings of the court martial and all other necessary entries for the regiment or separate battalion which are or shall be required by law, and for his services shall be exempt from military duty and be allowed the sum of two dollars per day for attending regimental or battalion courts martial, which it shall be his duty to attend, to be paid out of the fines arising under this act. If from any cause a judge advocate shall fail to attend a court martial, as provided in this act, it shall be the duty of the officers present to appoint a judge advocate for the time being, and in case of his death, resignation, removal out of the county, or from his office, the journals and proceedings shall be kept by the colonel or commanding officer until a judge advocate shall be appointed in his stead.

Duties of
judge advocate.

Sec. 28. Be it further enacted, That all fines and forfeitures imposed by any regimental or battalion court martial shall be collected in like manner as fines and penalties are required to be collected by company court martial, and paid into the hands of each pay master of each regiment or separate battalion. It shall be the duty of the commanding officer of the regiment or separate battalion to appropriate the money arising from fines, in the hands of the pay master, by order of the court martial, in the first place to the purchasing of fives, drums and colors for the use of the regiment or separate battalion, and secondly to paying the officers of the regiment or separate battalion for any service for which they may be entitled to pay under the provisions of this act.

Fines and forfeitures imposed of.

Sec. 29. Be it further enacted, That no officer or private ordered or directed by this act to appear

Exempted from arrest.

Passage of
bridge and
ferries free.

as aforesaid shall be liable to be taken or arrested by any officer, in any civil action or process whatsoever, on the day such person is directed to appear, or in any reasonable time in going to, continuing at or returning from the same; and every such arrest is hereby declared void, and shall subject such officer to damages for false imprisonment; and every person required by this act to attend muster, going to and returning from the same, shall be suffered to pass over any bridge, together with his horse and shall be put over any public ferry, without delay, free of charge, and if any ferryman demand pay for, delay or refuses to put such person or persons over, or keeper of toll bridge impede the passing of any person, he shall forfeit and pay for every such offence the sum of ten dollars, to be recovered by warrant from a justice of the peace, one-half to the informer and the other half to the use of the county where the offence was committed.

Raising vol-
unteers.

Sec. 30. Be it further enacted, That it shall be lawful for any colonel of a regiment or separate battalion, upon application of any suitable person, to commission such person to raise by voluntary enlistment, for a period of not more than five years, a company of light infantry or riflemen, a corps of artillery or troop of cavalry in his regiment or separate battalion, which corps thus formed shall not consist of less than fifty nor more than sixty-six privates, and the corps so raised and formed is to remain a part of the same regiment or separate battalion in which it is raised; and when the requisite number shall be enlisted, it shall be lawful for the officer of the regiment or separate battalion to which they belong, to order an election for officers of said companies, to be conducted as other elections, and returns thereof made to said colonel or commanding officer of the separate battalion, and by him transmitted to the Governor, who shall commission the officers so elected, and the companies so formed shall choose their own uniform, and shall be armed as follows: the rifle

corps—the captain and subaltern officers to be armed with side arms, the privates with a good rifle, a shot bag and powder horn, with nine charges of powder and ball suitable to the bore of the rifles; the company of artillery—each captain and subaltern with side arms; the artillerists with one field piece with its usual number of cartridges, boxes, balls, &c.; the troop of cavalry—the officers and privates shall be furnished with a good horse, bridle, saddle and martingals, and armed with a sword or cutlass, holsters and holster pistols; and the company of light infantry shall be armed and equipped as like companies are required to be armed and equipped in the armies of the United States; and said corps shall use for instruction and exercise the system of military discipline adopted in the United States army for troops of a similar description; and all companies shall have a right to change their uniform from time to time: Provided, such change shall not be incompatible with the military regulations of the United States army; and each member of either of the above described corps shall be exempt from the ordinary military duty required of the militia by this act, so long as they may continue to discharge the duties required of them by the provisions of this act, in either of the companies above designated:

Sec. 31. Be it further enacted, That every commissioned officer, volunteer or militia, shall be furnished with one copy of this act, at the expense of the State; and every officer shall when he goes out of office deliver to his successor in office, all books and forms furnished him by the State or received from his predecessor in office, and also all books and papers in his possession belonging to his division, brigade, regiment, battalion, or company; and every officer who shall neglect or refuse so to do shall be fined twenty dollars per month for every month he shall so neglect or refuse, after a demand thereof has been made by

Commissioned officers to receive copy of this act, &c.

his successor, to be assessed by any court martial having cognizance of the conduct of such officer, and collected and accounted for as other fines imposed upon such officer are by this act directed to be collected and accounted for.

Adjutant general, appointment of, and duties.

Sec. 32. Be it further enacted, That the Governor shall appoint one adjutant general, with the rank of colonel of cavalry, who shall do and perform all the duties of adjutant general, as required of him by this act, and shall furnish all forms of returns, and keep a book in which he shall make a fair entry of all returns by him received, which shall be subject to the inspection of the major general and commander-in-chief, and shall receive for his services the sum of two hundred and fifty dollars per annum out of any money in the treasury not otherwise appropriated.

United States discipline, &c. adopted.

Sec. 33. Be it further enacted, That the system of discipline and exercise which is and shall be ordered to be observed by the regular army of the United States, shall be observed by the militia of this State, and the commanding officers of the several militia divisions shall cause the militia within their respective commands to be disciplined and trained conformably thereto, in all things not otherwise directed by this act; and in all cases not specially provided for by this act, such provisions of law as have been or may be made by Congress for the government and direction of the army or the militia of the United States in similar cases, shall be binding upon and be observed and conformed to by the militia of this State; and the forms and rules of proceedings of all courts martial, not provided for in this act, shall be such as are established by the rules and articles of war, adopted and used in the militia service of the United States.

Sec. 34. Be it further enacted, That each new county established by this Legislature shall form a part of the same brigade and division as the county from which such new county or the greater

portion thereof was taken; and the militia of each new county shall be organized in like manner as the militia of the counties named in this act.

Approved, 21st April, A. D. 1846.

AN ACT

Supplementary to an act to provide for the election of Representatives to the Congress of the United States, passed, February 28th, 1846.

Section 1. Be it enacted by the Legislature of the State of Texas, That the act to provide for the election of representatives to the congress of the United States, passed, February 28th, 1846, be and the same is hereby so amended that the fifth section of said act shall read as follows, viz: "Be it further enacted, That on the 9th day of May, 1846, it shall be the duty of the secretary of state, in the presence of the Governor and attorney general, to open and count the returns for representatives to congress, received at the secretary of state's office; and the Governor shall deliver a certificate of election to the person receiving, according to the returns, the highest number of votes in each district: Provided, however, that if before the said 9th day of May the returns from all the counties in each congressional district be received, then the votes may be counted and the certificates of election delivered as herein provided."

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, 22nd April, A. D. 1846.

JOINT RESOLUTION

Instructing our Senators and Representatives in Congress to procure the passage of a law for the relief of mail contractors.

Whereas, the various contracts for the transportation of mails in Texas were made with the Republic, to expire on the first day of April, 1846:

And whereas, the transportation of mails should cease to be a charge on Texas from and after the consummation of annexation, on the 16th day of February, 1846, and become chargeable alone to the general government, of which Texas notified her contractors, suggesting to them at the same time to continue carrying the mails and open accounts against, and look to the general government for pay from and after the said 16th of February:

And whereas, the said contractors, (with but few exceptions,) relying upon the justice of the general government, have continued to transport said mails:

And whereas, many of said contractors have continued to carry the mails since the said first day of April, and will probably continue until superceded by new contractors:

And whereas, it is but justice that these meritorious and enterprising contractors, who advance their labor and capital for the public good should be paid: therefore,

Section 1. Be it resolved by the Legislature of the State of Texas. That our senators in congress be instructed to use their utmost exertions to procure the passage of a law authorizing and requiring the post master general of the United States to settle with and pay off all the mail contractors in this State, who continued to transport the mails from the 16th day of February,

1846, until the first day of April, 1846, and also all of the said contractors who may continue to transport the mails from the first day of April until superceded by other contractors under the United States.

Sec. 2. Be it further resolved, That our representatives in congress be requested to co-operate with our senators in obtaining the passage of said law.

Sec. 3. Be it further resolved, That his excellency the Governor cause each of our senators and representatives in congress to be furnished with a copy of these resolutions as soon as practicable after their passage.

Approved, 22nd April, A. D. 1846.

AN ACT

Requiring the County of Limestone to pay one fourth of the debt of Robertson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county of Limestone shall pay one fourth part of the debt of Robertson county; that debt to be ascertained by commissioners to be appointed by the county court of each county: nothing in this act contained shall be so construed as to prevent the said county of Limestone from paying the said portion of the said debt, in the liabilities of Robertson county, and that this act be in force and take effect from and after its passage.

Approved, 22nd April, A. D. 1846.

AN ACT

Creating the County of Angelina.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act, all that portion of Nacogdoches county within the following bounds and limits, viz: commencing where the Jasper county line corners on the Angelina river; thence, up said Angelina river to the southern boundary line of Cherokee county, at the lower end of Juan Cruiz's island; thence, south, fifty degrees west, with said line to the Neches river; thence, down said Neches river to the Jasper county line; thence, with said line north, eighty degrees east, to the place of beginning, be and the same is hereby constituted a county, to be known and styled Angelina county.

Sec. 2. Be it further enacted, That William G. Laney, Henry Massingale, Wiley Colwell, Joseph Harrington, James L. Erwin, John Boman, and John McAnnelly, be and are hereby constituted a board of commissioners, to select and locate a seat of justice for said county.

Sec. 3. Be it further enacted, That the said commissioners, or a majority of them, shall select two sites in said county, one within five miles of the centre, and one on the Angelina river, as near the centre north and south as is possible, to find a good site; and that they cause an election to be held throughout the county for the purpose of electing one of the said sites for the seat of justice, and the site receiving the majority of the whole votes polled, shall be and is hereby constituted the county site of said county.

Sec. 4. Be it further enacted, That the site so chosen as provided for in the preceding section of this act, shall be known and styled by the name of Marion.

Sec. 5. Be it further enacted, That the said commissioners, or a majority of them, shall have a right to purchase or receive by donation or otherwise, any quantity of land, not to exceed six hundred and forty acres, as will be to the interest of said county, which said land or a part thereof, shall be, by the said commissioners, laid out in convenient town lots and sold for the benefit of said county, reserving a sufficient quantity of lots for all public buildings which the county may require.

Sec. 6. Be it further enacted, That the said commissioners shall before they enter upon the discharge of their duties, as required in this act, take and subscribe an oath before some competent authority, to faithfully and impartially discharge their duty as commissioners of the county of Angelina, according to the best of their skill and ability.

Sec. 7. Be it further enacted, That it is hereby made the duty of said board of commissioners to pay over into the hands of the county treasurer, whenever there shall be one, all the nett proceeds arising from the sale of said town lots, whether it be in money, notes, or other liabilities, only reserving to themselves so much as will pay them for their services, at the rate of one dollar and fifty cents per diem, for each and every day in which they may have been on active duty.

Sec. 8. Be it further enacted, That the said county shall be entitled to all the rights, privileges, and immunities of other counties of this State, with the exception of a separate representation and a separate land district.

Sec. 9. Be it further enacted, That the said county shall be organized for all judicial and other purposes not herein specified, in accordance with the existing laws and all other laws that may hereafter be enacted by this legislature.

Sec. 10. Be it further enacted, That this act take effect from and after its passage.

Approved, 22nd April, A. D. 1846.

AN ACT

Creating the County of Newton.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that portion of Jasper county included in the following bounds or limits, viz: commencing at McKim's old survey on the northern boundary line of Jasper county; thence, along said line to the Sabine river; thence, with the meanders down said river to the northern line of Jefferson county; thence, along said county line, in a westerly direction, to the southwest corner of J. Harrin's survey; thence, in a northwardly direction, to the north-east corner of G. Brownrigg's survey; thence, in a northwardly and direct line to McKim's, the place of beginning, be, and the same is hereby constituted a county to be known and styled the county of Newton.

Sec. 2. Be it further enacted, That the citizens of said county be, and they are hereby invested with all the rights, privileges and immunities belonging to, and of right appertaining to citizens of other counties, except the right of having a separate land district, and except also, the right of separate representation, in which respect they shall remain as heretofore, until otherwise provided for.

Sec. 3. Be it further enacted, That Robert L. Williams, David Ford, Richard Simmons, Friend McMahan, Senior, Charles Hunt, Thomas McFarland, J. S. Cochran and Seth Swift Esq'srs., be and they are hereby constituted a board of commissioners to select a site for the seat of justice for said county.

Sec. 4. Be it further enacted, That the said commissioners, or a majority of them, shall proceed to select two sites for the seat of justice of said county, one of which shall be within five

miles of the centre of said county, on or before the first Monday in July, and the places so selected shall be balloted for by the qualified voters of said county at the first general election for county officers, and the place receiving the highest number of votes shall be the county site of said county.

Sec. 5. Be it further enacted, That the said commissioners be, and are hereby authorized and empowered to receive by donation any land for public buildings, and also for public schools.

Sec. 6. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, 22nd April, A. D. 1846.

AN ACT

To protect Religious Meetings.

Section 1. Be it enacted by the Legislature of the State of Texas, That if any person or persons shall maliciously disturb any congregation assembled for religious worship, and conducting themselves in a peaceable and orderly manner, in and about any church, chapel, meetinghouse, encampment or camp-meeting, enclosure, mosque, synagogue or temple, while attending any protracted or other religious meeting, the person or persons so offending may be put under restraint during religious worship, by any justice or other peace officer present, or in case no such officer be present, then on information upon oath in writing before any justice or other peace officer, such person so offending may be bound over to keep the peace and to appear at the next term of the district court to answer the charge.

Sec. 2. Be it further enacted, That on conviction by indictment before any district court in the

county where the offence was committed, the person or persons offending against the provisions of this act shall be fined in a sum not less than five dollars nor more than one hundred dollars, and may be imprisoned not more than ten days.

Approved, 23rd April, A. D. 1846.

AN ACT

To settle conflicting rights between the Counties of Victoria, De Witt, La Vaca, Jackson and Calhoun.

Section 1. Be it enacted by the Legislature of the State of Texas, That all lands, tenements and hereditaments, and all personal property, whether in possession or in action only, now lying and being in the present county of Victoria and formerly belonging to the county of Victoria, or that part of Refugio now attached to, and a part of Victoria, be and the same is hereby declared to be the sole and exclusive property of the county of Victoria.

Sec. 2. Be it further enacted, That all accounts, debts, dues, and rights of action of whatever description, held or claimed by any persons formerly citizens of the county of Victoria, and now attached to the counties of De Witt, La Vaca, Jackson and Calhoun, be and the same are hereby charged upon the present county of Victoria, and declared to have the same force and effect, and no greater than existed heretofore, under the original organization of the county of Victoria.

Sec. 3. Be it further enacted, That this act take effect from and after the first day of May next.

Approved, 23rd April, A. D. 1846.

AN ACT

To provide for fixing the County Seat of Justice for the
County of Grimes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first Monday in July, 1846, be fixed as the day for the holding of an election in the county of Grimes, for the selection of a suitable place for the permanent location of the county seat of justice for said county; and it shall be the duty of the chief justice of Montgomery county, immediately after the passage of this act, to give public notice of said election and to issue orders for the holding of said election to the different precincts at least ten days previous to said election.

Sec. 2. Be it further enacted, That it shall be the duty of said chief justice to receive and make public, by advertisements in each precinct in the said county of Grimes, such propositions as may be offered by citizens of the county, as inducements in favor of election of places recommended, as suitable locations for the county seat of said county.

Sec. 3. Be it further enacted, That all propositions submitted to the chief justice in compliance with the second section of this act shall be in the shape of penal bonds, and shall be collectable in law, at the suit of said chief justice, or his successors in office, in the said county of Grimes, for the use of the county, in the district court, and the proceeds applied to the erection of county buildings.

Sec. 4. Be it further enacted, That the election for said county seat shall be conducted as elections for members to the State Legislature, and the returns made to the chief justice of Montgomery county aforesaid, within ten days after the election, who shall publish the result, and declare

the place receiving the highest number of votes to be the legal seat of justice for the said county of Grimes, provided any one place shall have received a majority of all the votes polled at said election; but in the event no one place shall have received a majority as aforesaid, then and in that case it shall be the duty of the said chief justice to proceed to order another election, after giving notice as in the first instance, putting in nomination the two places that have received the greatest number of votes, which election shall be conducted and the returns made as heretofore provided, and the place then receiving the highest number of votes, shall be declared the county seat of justice: Provided, that such selection shall in no event be more than seven miles from the centre of said county.

Sec. 5. Be it further enacted, That Albert G. Perry, Henry Fanthorp, James W. Barnes, S. G. Devereux, and Daniel T. Dunham, of whom three may constitute a quorum to do business, shall be and they are hereby appointed commissioners to lay out and sell lots, if necessary, and to superintend the carrying out of such propositions as may have been made in behalf of the selected location, and report to the chief justice whether or not the bond containing propositions in favor of the said selected place, shall have been strictly complied with by the makers and obligors of the same.

Sec. 6. Be it further enacted, That the county seat of justice so located shall be known by the name of, and styled Anderson, in honor of the late K. L. Anderson, late Vice President of the Republic of Texas, and that this act take effect and be in full force from and after its passage.

Approved, 25th April, A. D. 1846.

AN ACT

To authorize the settlement of disputes by conciliation or arbitration.

Section 1. Be it enacted by the Legislature of the State of Texas, That all persons consenting to submit any dispute, controversy, or right of action, supposed to have accrued to either party, may, by an agreement in writing by them signed as plaintiff and defendant, and filing the same with a justice of the peace, or if the amount in dispute and claimed exceed in value one hundred dollars, with the clerk of the district court, entitle themselves to the benefit and provisions of this act, and the decision of any controversy, dispute, or right of action, made by arbitration according to the provisions of this act, shall be without appeal, unless the right to the same be reserved in the agreement filed, as above provided. ^{Consent of parties.}

Sec. 2. Be it further enacted, That it shall be the duty of each and every justice of the peace whenever a civil suit is brought before him, to offer to the election of parties therein, on appearance, an adjustment of the same, according to the provisions of this act, as also in case of their agreeing to such adjustment, the choice of reserving or not the right of appeal.

Sec. 3. Be it further enacted, That when such agreement is filed, the justice of the peace or the district clerk shall forthwith assign a day of trial for the cause, not less than two days thereafter, and issue such process for witnesses as either party may desire.

Sec. 4. Be it further enacted, That each party shall choose an arbitrator, who shall be over the age of twenty-one years, competent to serve as a juror, not related to either party by consanguini-

ty, or affinity, and disinterested in the result of the cause submitted for his decision.

Oath of arbitrators.

Sec. 5. Be it further enacted, That on the day of trial the justice or clerk shall administer an oath to the said arbitrators in substance as follows, to wit: That they will fairly and impartially decide the matter in dispute, according to the evidence adduced, and in accordance with the rules of law and equity applicable to the facts proved; said justice or clerk shall also administer the necessary oaths to witnesses and to the parties, if desired by the arbitrators.

Umpire.

Sec. 6. Be it further enacted, That if the arbitrators chosen as aforesaid cannot agree, the arbitrators shall select an umpire, and in case they disagree in the choice of an umpire, the justice or clerk may appoint an umpire, who shall be competent to serve as an arbitrator and who shall in like manner be sworn.

Effect of decisions by arbitrators.

Sec. 7. Be it further enacted, That the decisions of the arbitrators, if before a justice of the peace, shall be recorded as a judgment in his court, and on which execution may issue, as in ordinary cases of judgments obtained before justices of the peace: if before the clerk, he shall file the same, and a judgment shall be entered thereon at the first regular term of the court thereafter; but should either party appeal from the decision of the arbitrators, the appellant shall file his application with the clerk of the district court, within the three first days of said court, wherein the case shall be tried de novo, on which execution may issue, as in other judgments rendered by the district court; the said judgments shall carry costs as in other cases.

Agreement to arbitrate a bar to suit.

Sec. 8. Be it further enacted, That after an agreement filed, as provided in the first section of this act, the parties thereto shall be bound to this mode of trial under the following penalty, to wit: said agreement may be pleaded as a bar to any suit thereafter brought by a plaintiff in the agreement, for the same cause of action, when such plaintiff

has refused to proceed under such agreement, and said agreement may be pleaded as a bar to any right claimed or defence set up by a defendant in the agreement, who refused to proceed therein, where such right or defence existed at the time of filing of said agreement.

Sec. 9. Be it further enacted, That all former laws and parts of laws regulating arbitrations and references, be and the same are hereby repealed.

Approved, 25th April, A. D. 1846.

JOINT RESOLUTION

Granting permission to all persons who petition the Legislature for relief, to withdraw their vouchers.

Section 1. Be it resolved by the Legislature of the State of Texas, That in all cases where petitions have been, or may hereafter be presented to the legislature, and shall not have been granted by that body, the petitioners shall have the privilege of withdrawing the vouchers and other papers accompanying said petitions, at any time, upon application to the secretary of the senate, or to the clerk of the house of representatives, or during the recess of the legislature, to the secretary of state; and that this resolution take effect from and after its adoption.

Approved, 25th April, A. D. 1846.

AN ACT

To establish and incorporate the City of Corpus Christi.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Corpus Christi, in the county of Nueces, be and hereby are made and declared a body corporate and politic, under the name and style of the city of Corpus Christi, and invested with the power by said name, of suing and pleading, and of receiving and holding property real and personal, and of selling and conveying the same.

Sec. 2. Be it further enacted, That said city shall embrace and comprise within its limits, all the territory lying within a square of four miles, fronting on the Corpus Christi and Nueces bays, having for the centre of its front line, the mouth of the ravine which runs through said town into Corpus Christi bay.

Sec. 3. Be it further enacted, That H. L. Kinney and William Mann, or either of them, are hereby authorized, at any time after the passage of this law, by giving ten days notice thereof, to order and hold an election for a mayor, six aldermen, recorder and treasurer, for said city, who shall hold said offices for the period of one year from said election, who shall be sworn to a faithful discharge of their duty.

Sec. 4. Be it further enacted, That there shall be an election held at the period of one year after said first election, and forever afterwards annually, for the election of the aforesaid officers, at which the mayor or one of the aldermen shall preside; and all vacancies happening between said annual elections, by removal from the city or other cause, shall be filled by an election to be held by said mayor and aldermen; and a majority of said board shall constitute a quorum for the transaction of business.

Sec. 5. Be it further enacted, That the mayor

of said city during his continuance in office, shall have the jurisdiction and exercise the powers of a justice of the peace, in all cases, civil or criminal, and over all offences against the ordinances that may be established by the mayor and aldermen.

Sec. 6. Be it further enacted, That the mayor and aldermen of said city are hereby authorized and empowered to levy and assess a tax on all estates, real and personal, within said city for the establishment and support of a common school, and for the payment of the other necessary expenses of said corporation, and to pass and establish ordinances for the preservation of order and the regulation of the police of said city, not repugnant to the constitution and laws of the State.

Sec. 7. Be it further enacted, That said mayor and aldermen shall have authority to elect and appoint collectors, constables, and all other such subordinate officers as may be necessary to carry out the purposes of the corporation, and that the collector of taxes, constables and treasurer of said city, shall before entering on the duties of their respective offices, be required to give bonds to said city, with sureties, in a sum not less than two thousand dollars each for the faithful discharge of the duties of said offices, to be approved by the mayor and aldermen.

Sec. 8. Be it further enacted, That the mayor and aldermen shall be ex-officio the agents, overseers, and superintendants of the common school or schools that may be established in said city with full power and authority to expend annually all such funds as may be raised or received by taxation, or otherwise, for the establishment and support of said school or schools.

Approved, 25th April, A. D. 1846.

AN ACT

Authorizing the Governor to demand monies due the State of Texas by the Government of the United States.

Section 1. Be it enacted by the Legislature of the State of Texas, That his excellency the Governor be and he is hereby authorized and requested to demand and receive all monies due the State of Texas, or such as may become due to the same by the government of the United States, and to appoint suitable agents to receive the same in such manner as in his judgment the interest of the State may require, and all money received by the Governor as contemplated in this act shall be paid into the treasury of the State.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, 25th April, A. D. 1846.

AN ACT

Creating the County of Navarro.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that portion of the county of Robertson included within the following bounds, be, and the same is hereby erected into a new county, to be called and known by the name of Navarro, to wit: beginning on the east bank of the Brazos river, at the north-west corner of Limestone county, and thence, with the line of said county to the Trinity river; thence, up said river to the line of Dallas county; thence, west to the corner thereof; thence, north with the line of said Dallas county to the old southern boundary line of Fannin county; thence, west to the Brazos river;

and thence, down said river to the place of beginning.

Sec. 2. Be it further enacted, That said county of Navarro, as to the right of representation, shall be considered as a part of the county of Robertson, until entitled by numbers to the right of separate representation.

Sec. 3. Be it further enacted, That until the seat of justice shall be permanently established, as hereafter provided for by law, the temporary seat of justice shall be at the residence of W. R. Howe, and all courts shall be held thereat.

Sec. 4. Be it further enacted, That this act take effect and be in full force from and after its passage.

Approved, 25th April, A. D. 1846.

JOINT RESOLUTION

Authorizing Plaintiffs or Defendants or their agents to file in the Supreme Court briefs of their cases, which shall be taken as an appearance.

Section 1. Be it resolved by the Legislature of the State of Texas, That hereafter, when any cause or suit may be taken up from any inferior court to the Supreme Court of this State, whether by appeal, writ of error, or otherwise, it shall and may be lawful for the attorney or attornies, both for plaintiffs and defendant, to file in the papers of said suit or cause, his or their written brief or argument, and the judges of the Supreme Court shall be required to notice the same as much as if it were the personal appearance of such attorney or attornies, and shall not dismiss any suit or cause, where such brief or argument of counsel is filed with the papers, for want of other or further prosecution.

Sec. 2. Be it further resolved, That this joint resolution be in force from and after its passage.

Approved, 25th April, A. D. 1846.

AN ACT

To authorize the institution of Suits against the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That in all cases in which parties were authorized by the laws to commence suit against the President of the Republic of Texas, or against the Republic prior to the adoption of the State Constitution, such parties may now commence such suits against the Governor or against the State of Texas.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, 25th April, A. D. 1846.

JOINT RESOLUTION

For disposing of a portion of the Public Buildings in the city of Austin.

Section 1. Be it resolved by the Legislature of the State of Texas, That the comptroller of public accounts be, and he is hereby authorized and required, on the first day of May next, in the city of Austin, to rent until the first day of January, 1847, and annually thereafter, until otherwise directed by law, to the highest bidder, at public outcry, all the public buildings in the said city of Austin belonging to the State of Texas, and the lots on which they are situated, except the capitol, Governor's office, state department, treasury building, and the building occupied by the commissioner of the general land office, except also such buildings as are required by the joint resolutions of annexation to be ceded to the United States.

Sec. 2. Be it further resolved, That the rent

shall be paid monthly or quarterly at the discretion of the comptroller, the renter giving note to the comptroller of public accounts with two responsible securities.

Sec. 3. Be it further resolved, That it is hereby made the duty of the comptroller of public accounts to deposit in the State treasurer's office the amount so accruing to the State, taking his receipt therefor.

Sec. 4. Be it further resolved, That this joint resolution take effect from and after its passage.

Approved, 25th April, A. D. 1846.

AN ACT.

To establish the County of Cass.

Section 1. Be it enacted by the Legislature of the State of Texas, That a new county, to be known as the county of Cass, in honor of Lewis Cass, of the state of Michigan, be established, with the following boundaries, to wit: beginning in the middle of Big Cypress bayou, five miles and a half east of where the old line run by Sedacum, dividing the counties of Bowie and Red River, strikes said Cypress bayou; thence, due north to the Sulphur fork of Red river; thence, down the middle of Sulphur fork to the old United States line; thence, due south, with said line, to the middle of Lake Soda; thence, up the middle of said lake, to its head, where the main Cypress falls into said lake, the same being one and a half miles west of the town of Jefferson; thence, up said Cypress bayou to the mouth of Boggy river and place of beginning.

Sec. 2. Be it further enacted, That for the due administration of justice, in said county of Cass, the several courts to be holden in said county shall be held at the tavern house of William Perry, in the town of Jefferson, until a suitable house is erected for that purpose: the commissioners' court shall have full power, in the intermediate time, to

adjourn to such other place in said county as they may deem best suited for holding their own and the other courts by law required to be holden in said county; and all writs or other process returnable to the place of holding court, shall be good and binding wherever said court shall be held in said county; and the several courts in Cass county shall have the same powers and be under the same restrictions as similar courts in other counties in this State; and the said county of Cass shall in all respects be placed upon the same footing with other counties in this State.

Sec. 3. Be it further enacted, That Jesse Cherry is hereby appointed to survey and mark the undefined lines of said county, and return the same with a map of said county to the office of the secretary of the State of Texas, and also a map and copy of survey to the county clerk's office of said county, for which services the commissioners' court of Cass county shall make him reasonable compensation: Provided, that before he enters upon the duties of the survey he shall take an oath well and truly to discharge the same.

Sec. 4. Be it further enacted, That Henry W. Clark be appointed to open and hold an election in said county of Cass, at the different places of voting in said county, on the day of the general election for county officers in this State, for the purpose of electing all the civil and military officers which the people of said county are entitled to elect; said election shall be held according to the constitution and laws of this State, and the officers so elected shall immediately enter upon the discharge of their several duties, qualifying themselves by taking the oaths and giving the bonds required by law.

Sec. 5. Be it further enacted, That William N. Bishop, John W. Scott, Robert Arberry, Colonel Mimms, William Perry, Colonel E. Frasier, William Mahone and William P. Rase, be and they are hereby appointed commissioners, whose duty it shall be, and a majority of them may act, after being sworn to discharge the duties herein assigned them, without partiality, forthwith to designate three places, one of which shall be within five miles of the

centre of said county, to be voted for as the county seat; and they shall give due notice of such points designated, and fix upon some day for the freemen of said county to vote upon the question, the commissioners superintending the election; if either point voted for shall have a majority of the whole of the votes cast, then such place shall be declared the county seat; if not, then the commissioners shall fix upon another day when the people shall vote between the two places having the highest vote; and it is further made the duty of the commissioners to receive propositions from those holding lands at the points named to be voted for, as to the erection of public buildings, and make known the same to the voters before such election.

Sec. 6. Be it further enacted, That such place receiving a majority of the whole of the votes polled, is hereby declared to be the permanent county seat of said county; and the said commissioners shall proceed to lay off a town, and after giving due notice, shall sell upon the premises, to the highest bidder, at public sale, the lots designated to be sold, upon such terms as they may deem best, and they shall also let out to the lowest bidder the building of the court house and jail, making the payment to meet the proceeds of the town lots sold, or other means which may come into their hands: Provided, that before they shall proceed to sell said lots they shall enter into bonds, with approved security, payable to the chief justice of the county and his successors, in the penal sum of ten thousand dollars, conditioned for the faithful application of the monies and means which may come into their hands as such commissioners; and it is hereby made the duty of the commissioners' court to settle with said commissioners at least once every six months, and to fill any vacancies that may happen in said board. Should there be any surplus in the hands of said commissioners, over what may be needed to complete the public buildings, they shall pay the same over to the county treasurer. The commissioners' court shall allow such commissioners a reasonable compensation for their services in the premises.

Sec. 7. Be it further enacted, That the town es-

tablished as a county seat, shall be named by the county commissioners, and by such name when given and entered of record in the commissioners' court, said town shall be known and distinguished.

Approved, 25th April, A. D. 1846.

AN ACT

To restore Lands sold for taxes, and bid in by the Government, to the former owners.

Section 1. Be it enacted by the Legislature of the State of Texas, That the State of Texas does hereby relinquish to the former owners thereof, all the lands which have been sold in the several counties, in the year 1846, or at any time before, for taxes due the Republic of Texas, by the several sheriffs in the several counties, upon the former owner or owners, or their agents or attornies paying the amount of taxes due by him, her or them, to the said Republic, or to the State of Texas, at the time of the several sales, together with eight per cent per annum interest thereon, and all costs which may have accrued to the sheriffs in advertising and selling the same, so sold, up to the time that any person or persons may desire to avail him, her or themselves of the benefit of this act: Provided, said taxes be paid to the State on or before the first day of April, 1847.

Sec. 2. Be it further enacted, That it shall be the duty of the sheriffs of the different counties, to make returns to the treasurer of the States, of all monies collected for taxes upon lands heretofore sold and purchased by the said Republic or State, specifying particularly the amount of money he has received from each individual, under the provisions of this act, and their receipt shall be sufficient evidence to the owner or owners that the provisions of this act have been complied with.

Sec. 3. Be it further enacted, That this act be in force and take effect from and after its passage.

Approved, 27th April, A. D. 1846.

AN ACT.

To organize the County of Upshur.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the territory of the counties of Harrison and Nacogdoches comprised within the following limits, to wit: beginning at the south east corner of George Martin's survey, and north corner of R. M. Watkin's survey, on Big Cypress bayou; thence, due south to the Sabine river, near the south east corner of J. Ferguson's labor; thence, up the Sabine river with its meanders, to a point one mile above the mouth of Harris' creek in Nacogdoches county; thence, due north to the dry fork of Big Cypress bayou; thence, with said dry fork and Big Cypress to the place of beginning, be, and the same is hereby created into a new county, to be known and called by the name of Upshur.

Sec. 2. Be it further enacted, That the citizens of said county be, and they are hereby invested with all the rights, privileges and immunities, belonging to, and of right appertaining to citizens of other counties, except the right of having a separate land district, and except also the right of separate representation, in which respects they shall remain as they now are, until otherwise provided for.

Sec. 3. Be it further enacted, That George B. Medlin, Col. Edwards, John Stephens, — Betsil, — Brooks and Henry Patrick, be, and they are hereby appointed commissioners, to select two eligible places for the county seat of said county, neither of which shall be more than five miles from the centre thereof, which places shall be submitted to public election, at such time and places as may be directed

by law; and the place receiving the majority of the legal votes cast at said election, shall be the county seat of said county, and shall be known and called by the name of Gilmer; and the said commissioners are hereby empowered to purchase land, not to exceed one hundred and sixty acres in quantity, and to receive by donation, any amount for said county, for the purpose of erecting public buildings and defraying other necessary expenses.

Sec. 4. Be it further enacted, That all civil suits which may have been commenced against any of the citizens of the said county of Upshur, in either of the counties from which said county is taken, shall after the said county is properly organized, be transferred together with all the papers thereunto belonging, to the proper officer of said county of Upshur, and shall be carried on in the same manner as if continued in the county in which they were instituted.

Sec. 5. Be it further enacted, That the inhabitants of said county of Upshur, at present embraced within the limits of the county of Harrison, shall pay a proportionate part of the debt due, and owing by the county Harrison, at the time of the final passage of this act.

Sec. 6. Be it further enacted, That this act take effect from and after its passage.

Approved, 27th April, 1846.

AN ACT

Requiring the County of Grimes to pay a portion of the debt of the County of Montgomery.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county of Grimes shall pay to the county of Montgomery, such proportion of the debt due by said county of Montgomery, as may be apportioned to Grimes county, by the county

courts of their respective counties, and in the manner in which said courts may determine.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, 27th April, A. D. 1846.

AN ACT

Creating the county of Henderson.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that portion of the counties of Houston and Nacogdoches included in the following bounds, or limits, viz: commencing at the north east corner of Anderson county, on the Neches river; thence, north with the western boundary lines of the counties of Cherokee and Smith, to the Sabine river; thence, down said river to the south west corner of Upshur county; thence, north with the western boundary line of said Upshur county, to the southern boundary line of Titus county; thence, west with the southern boundary of said county, to the county of Hopkins; and thence, continuing west with the southern boundary line of said Hopkins and Hunt counties, to the north east corner of Dallas county; thence, south with the eastern boundary line of said Dallas county, to its south east corner; thence, west with the southern boundary line of said county, to the Trinity river; thence, down said Trinity river, to the north west corner of Anderson county; and thence, east with the northern boundary line of Anderson county, to the place of beginning, be and is hereby constituted the county of Henderson.

Sec. 2. Be it further enacted, That William Ware, David Carlysle, Alfred Moore, Thacker Vivian, Senior, and James Hooker, be and they are hereby constituted a board of commissioners, to select and locate a temporary site for the seat of justice of said county.

Sec. 3. Be it further enacted, That the said county shall be entitled to all the rights, privileges and immunities, incident to other counties of this State, except that of being a separate land district, and the right of separate representation.

Sec. 4. Be it further enacted, That this act shall take effect from and after its passage.

Approved, 27th April, A. D. 1846.

JOINT RESOLUTION

Instructing our Senators, and requesting our Representatives in the Congress of the United States, to procure the establishment of certain Mail Routes.

Section 1. Be it resolved by the Legislature of the State of Texas, That our senators in the congress of the United States be, and they are hereby instructed, and our representatives respectfully requested to procure the establishment of such mail routes, in addition to the routes established by the congress of the late republic of Texas, as the interest and convenience of the people demand, procuring at least one route to the county seat of each new county, and such county seats of old counties, as are not included in routes heretofore established.

Approved, 27th April, A. D. 1846.

AN ACT

Transferring part of the liabilities of Milam County to Burleson County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county of Bur-

leson shall pay a proportionate part of the liabilities of Milam county, from which it was taken, in proportion to its population, and assessment of the two counties respectively, to be settled and adjusted by the commissioners' courts of the said two counties, and all liabilities yet due for any revenue to Milam county, shall be divided in the same proportion.

Sec. 2. Be it further enacted, That the above section shall not apply to any liabilities or contracts, made for the establishment of the town of Caldwell, the former temporary county seat of Milam county, hereafter to be the county seat of Burleson county.

Approved, 27th April, A. D. 1846.

AN ACT

To provide for closing the business of the late War and Marine Department.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the books, papers, archives and records, belonging to the late department of war and marine, be and the same are hereby transferred to the office of the adjutant general of this State, and the said officer is hereby required immediately to take possession of the said books, papers, archives and records.

Sec. 2. Be it further enacted, That the adjutant general, or the person discharging the duties of adjutant general, shall issue all bounty and donation land warrants to the person or persons entitled to the same, or his or their agent or attorney, and to settle all outstanding business, connected with the late war and marine department, as heretofore required by law of the secretary of said department; and in accordance with the laws heretofore in existence, in relation to the issuing land warrants of any description whatever, and he shall

give such information in relation to the matters and things which, by the existing laws, pertain to the department of war and marine, as may be required of him by law; that in addition to the salary heretofore fixed by law, the adjutant general shall receive the sum of seven hundred and fifty dollars per annum, and that this act take effect from and after its passage.

Approved, 27th April, A. D. 1846.

AN ACT

To incorporate the Society of Free Masons, composed of Lodges and Chapters.

Section 1. Be it enacted by the Legislature of the State of Texas, That the officers and members of the grand lodge of free masons in Texas, and their successors in office, shall have in their corporate capacity, power to hold property, both real and personal, for the purpose of erecting, endowing and maintaining an institution of learning, and to sell and convey the same at pleasure: Provided, that at no time, shall the capital exceed twenty-five thousand dollars.

Sec. 2. Be it further enacted, That it shall be lawful for said grand lodge and the subordinate lodges under its jurisdiction, to erect buildings for their own convenience, and to hold such meetings and at such times as they may deem proper, for the better management of their charitable funds, and the application of the same to proper purposes, and the transaction of all other business relating to their own affairs, and shall have full power and authority to make, constitute and ordain by-laws, rules and regulations, for their own government.

Sec. 3. Be it further enacted, That the jurisdiction of the said grand lodge, is co-extensive

with the limits of Texas, as claimed and deined by the present statutes, as the boundary.

Sec. 4. Be it further enacted, That the officers and members of the present grand chapter of royal arch masons in Texas, and their successors in office be, and they are hereby created a body politic and corporate, with power to sue and be sued, and that all the provisions, powers and authority granted by this act, to the grand lodge, be extended to the said royal arch chapter, and to the subordinate chapters, in the State of Texas, and that this act take effect from and after its passage.

Approved, 28th April, A. D. 1846.

JOINT RESOLUTION

Concerning roads in Robertson County.

Whereas, at the July term of the commissioners court of Robertson county, commissioners were appointed to view and lay out various roads in said county, many of which will, under the new dispensation, fall into other counties which may be stricken from the said county of Robertson; and whereas, after the said new counties may be organized, difficulties may arise as to what counties the said commissioners shall make their report: therefore,

Section 1. Be it resolved by the Legislature of the State of Texas, That where commissioners have been appointed by the commissioners' court, to view and lay out roads in Robertson county, and the road which said commissioners may have been appointed to view, shall pass through two or more counties, stricken from Robertson, the

commissioners shall report to the proper court of Robertson county; but where said road shall be entirely within a new county stricken from Robertson, the report shall be made to the proper court of the new county.

Sec. 2. Be it further resolved, That it shall be the duty of the clerk of the proper court of Robertson county, to which any report of the viewers of roads may be made, which may pass through two or more counties that may have been stricken from said county, to certify to each county, through which the road may pass, a copy of said report, and the said copy shall in all respects, be regarded and respected in the same manner as if the report had been directly made to the proper court of the county to which said certified copy may be transmitted.

Sec. 3. Be it further resolved, That this resolution shall take effect and be in force from and after its passage.

Approved, 28th April, A. D. 1846.

AN ACT

To raise a Revenue by Direct Taxation.

20 per cent.
ad valorem.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be assessed and collected of all persons within the limits of this State, for the use of the State, a direct ad valorem tax, at the rate of twenty cents upon each hundred dollars value of all property real and personal, (excepting such property as may be hereafter excepted by law from taxation,) owned or held by any such person or persons, either in his or her right, or as agent or representative of any other person or persons, within or

without the limits of this State, or as guardian, executor, or administrator.

Sec. 2. Be it further enacted, That there shall be assessed and collected of each and every free male person, over the age of twenty-one, and under the age of sixty years, citizens of this State, (Indians, idiots, and persons non compos mentis excepted,) a poll tax of one dollar for each head. Poll tax.

Sec. 3. Be it further enacted, That there shall be assessed and collected from each and every person having money loaned at interest, a tax at the rate of twenty cents on each hundred dollars so loaned at interest. Loan tax.

Sec. 4. Be it further enacted, That there shall be assessed and collected of every person the proprietor of a company, within the limits of this State, pursuing the occupation of exhibiting, or causing to be exhibited for pay or emolument, any theatre, or theatrical amusements, an annual direct tax of one hundred dollars for each and every such establishment. Also, of each and every person pursuing the occupation of exhibiting any museum, menagerie, wax-work, feats of activity, slight of hand, or any diversion of this character, under any name whatever, an annual direct tax of twenty-five dollars in each and every county in which the same may be exhibited; also, of each and every person or firm occupied in the sale of goods, wares and merchandise, at wholesale, or at wholesale and retail, an annual direct tax of one hundred dollars for each and every such establishment; also, of each and every person or firm occupied in the sale or disposition of any goods, wares and merchandise at retail, an annual direct tax of twenty-five dollars for each and every such establishment; also, of each and every person or firm occupied in the vending of wines, cordials, spirituous liquors, etc., of any kind, in quantities of a quart and over, an annual direct tax of twenty-five dollars for each and every such establishment; also, of each and every person or firm occupied in the retail of vinous or spiritu- Theatres, &c.
Museum, me-
nageries, &c.
Traders.
Venders of
wines and
liquors.

ous liquors of any kind in quantities less than a quart, an annual direct tax of fifty dollars for each and every such establishment; also, of each and every person pursuing the occupation of a hawker and pedlar, an annual direct tax of twenty-five dollars for each and every county in which they may pursue such occupaiaon; also, of each and every person or firm keeping a billiard table, an annual direct tax of fifty dollars for each and every table; also, of each and every person or firm keeping a nine or ten pin alley, an annual direct tax of ten dollars for each and every alley; also, of each and every person or firm engaged in keeping an inn or tavern in any city, town or village, where persons are entertained and lodged for pay or emolument, an annual direct tax of fifteen dollars for each and every such establishment; also, of each and every person or firm occupied in keeping a boarding house for pay or emolument, in any city, town or village, where more than five persons are boarded, an annual direct tax of five dollars for each and every such establishment; also, of each and every person or firm occupied in keeping any cook shop, restaurant or eating house, for pay or emolument, an annual direct tax of twenty dollars for each and every such establishment; also, of each and every person or firm occupied in keeping a race track, an annual direct tax of twenty-five dollars; also, of each and every person or firm pursuing the occupation of a real estate agent or broker, ship broker, money broker, and merchandise and cotton broker, or any commission business, an annual direct tax of twenty-five dollars for each and every such establishment; also, of each and every person or firm occupied in the business of auctioneering, an annual direct tax of twenty-five dollars for each and every such establishment; also, of each and every person pursuing the profession of law or medicine, for pay or emolument, an annual direct tax of five dollars.

Billiard table,
nine or ten
pin alley.

Inn keepers.

Boarding
houses.

Race track.

Brokers.

Auctioneers.

Sec. 5. Be it further enacted, That all taxes

assessed in pursuance of this act, shall be a lien upon all property real and personal, belonging to the person or persons so assessed, and upon whom the same may be imposed, and upon all property assessed where the owner is unknown, and shall continue to bind such property, and be preferred to all other incumbrances, until the taxes of such person or persons shall have been fully settled and paid. ^{Taxes a lien upon property.}

Sec. 6. Be it further enacted, That all laws and parts of laws, contrary to, and conflicting with the provisions of this act, be, and the same are hereby repealed, and that this act take effect and be in force from and after the first day of August next: Provided, however, that this act shall not be so construed as to release taxes heretofore assessed and now due.

Approved, 28th April, A. D. 1846.

AN ACT

To require the counties of Polk and Tyler to pay a portion of the County Debt of the County of Liberty.

Section 1. Be it enacted by the Legislature of the State of Texas, That the chief justices of the counties of Liberty, Polk and Tyler be and they are hereby required to meet on the first day of December, 1846, at the court house of Polk county and ascertain the county debt now owing by Liberty county, and after ascertaining said debt, they shall apportion the debt of Liberty county between the counties of Liberty, Polk and Tyler, assigning to each of said counties, its fair proportion of said debt, according to the assessment of property for State taxes, made by the assessor of Liberty county.

Sec. 2. Be it further enacted, That after said county debt shall have been so apportioned, the counties of Polk and Tyler shall be bound to provide for and pay their proportion of the debt of the said county of Liberty, so assigned to them, as if the same had been originally contracted by the said counties of Polk and Tyler.

Sec. 3. Be it further enacted, That the said chief justices, or a majority of them, shall make a record of their doings under this act, which shall be signed by them, and a copy thereof shall be deposited with the county clerk of each of the counties of Liberty, Polk and Tyler, and that said chief justices shall receive such a compensation for their services under this act as may be allowed them by their respective county courts.

Sec. 4. Be it further enacted, That all liabilities of the county of Liberty, heretofore contracted, shall be received in payment of that portion of the county debt of Liberty which shall be assigned to the counties of Polk and Tyler, respectively, under the provisions of this act.

Sec. 5. Be it further enacted, That all taxes, dues and demands of every character, now due and owing to the county of Liberty, by citizens of the county of Polk, and upon property situated in the limits of Polk county, shall accrue and be payable to the county of Polk; and in like manner all taxes, dues and demands of any character, now due and owing to the county of Liberty, by citizens of Tyler county, and upon property situated in the limits of said county of Tyler, shall accrue and be payable to the county of Tyler; and all such taxes, dues and demands, shall be collected by the proper officers of the counties of Polk and Tyler, respectively, and paid into the county treasuries of said counties in like manner as the same could have originally been collected and paid into the county treasury of Liberty county.

Sec. 6. Be it further enacted, That a majority of said chief justices shall form a quorum, for

the transaction of any or all of the business required of them by this act, and they may adjourn from day to day, or from time to time, until they shall have completed the duties required of them by this act.

Approved, 29th April, A. D. 1846.

AN ACT

Requiring the Courts of Tyler county to be holden at Town Bluff, in said county, until the county site be permanently located.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act, the county, probate and district courts, for the county of Tyler, shall be holden at town Bluff, in said county, until the county site for said county be permanently located.

Approved, 29th April, A. D. 1846.

AN ACT

To legalize the several Seals heretofore issued by the Commissioner of the General Land Office.

Section 1. Be it enacted by the Legislature of the State of Texas, That all patents for lands, issued by the Republic of Texas, which have been sealed with the original seal of the general land office, having for device thereon, a buffalo under a live-oak tree, or which have been sealed with the other seal of said office, having for device thereon, a cotton plant, plough, scythe, sheaf of

wheat and meridian sun, shall be as valid as though both of said seals had been devised and adopted by law.

Sec. 2. Be it further enacted, That all certified copies heretofore made, of deeds, patents, books, records and papers, belonging to the general land office, under the signature of the commissioner or chief clerk of said office, and sealed with either of the seals described in the preceding section, shall be as valid and shall have the same force and effect as if both of said seals had been devised and adopted by law.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage.

Approved, 29th April, A. D. 1846.

JOINT RESOLUTION

Prescribing the mode of notifying the Governor when a bill creating a Private Corporation, has constitutionally passed both Houses of the Legislature.

Sec. 1. Be it resolved by the Legislature of the State of Texas, That on the third and last reading of any bill to create a private corporation, in each house of the legislature, the ayes and noes shall be taken thereon, and if any such bill shall pass both houses by a majority of two thirds, the secretary of the senate, and the chief clerk of the house of representatives, shall each certify such fact, and their certificates shall accompany the bill, when presented to the Governor for his approval; and that this resolution take effect and be in force from and after its passage.

Approved, 29th April, A. D. 1846.

AN ACT

To provide for the registration of the separate Property of Married Women.

Section 1. Be it enacted by the Legislature of the State of Texas, That all property, real and personal, owned or claimed by married women, or which may be owned or claimed at the time of marriage, by any woman, or which they may acquire by gift, devise or descent, shall be registered as hereinafter directed.

Sec. 2. Be it further enacted, That each woman now married, or who may be hereafter married, may present to any officer authorized by law to probate deeds, or other instruments for record, a schedule, particularly describing all the property, real and personal, which she now owns and possesses, or which she may own and possess at the time of her marriage, and make acknowledgment before such officer, that the property described in the schedule is her separate property; and upon such acknowledgement, the officer aforesaid, shall give a certificate of the fact under his hand and seal of office, which certificate shall be sufficient evidence for the recorder of any county to register the said schedule. Schedule and registration.

Sec. 3. Be it further enacted, That each married woman, upon coming into possession of any property, real or personal, to which she had claim at the time of her marriage, or which she may afterwards acquire by gift, devise or descent, may have the same registered in the same manner as prescribed in the foregoing section.

Sec. 4. Be it further enacted, That the registry of the wife's separate property, herein provided for, shall be made in the county or counties, in which it really may lie; and if there be personal property, then also in the county where the wife may reside: and in case of her removal to another Must be registered in county where property lies.

county, the registry may also be made in the county to which she may so remove, within three months after such removal.

Former registration good.

Sec. 5. Be it further enacted, That all registrations of the wife's separate property, which have been made heretofore, shall be deemed good and valid under this act: Provided, said registrations were made in accordance with the laws then in force.

Effect of registration.

Sec. 6. Be it further enacted, That the registry of any schedule of a wife's separate property, made in accordance with the provisions of this act, shall be conclusive, as against all subsequent creditors of and purchasers from the husband.

Approved, 29th April, A. D. 1846.

AN ACT

To provide for the organization of the Counties of San Patricio and Nueces.

Section 1. Be it enacted by the Legislature of the State of Texas, That the chief justice of any neighboring organized county, or the judge of the district court in the judicial district in which said counties are situated, are hereby authorized and required at the request of any three citizens of said counties of San Patricio and Nueces, to order elections to be held in said counties, at the places respectively appointed for the county seats of said counties, on the second Monday of July next, for the choice in each, of the chief justice, four county commissioners, one sheriff, one coroner, one county clerk, one district court clerk, two justices of the peace, and one constable (for each justices' precinct.) one county surveyor, and all other officers required by law to be elected by the people.

Sec. 2. Be it further enacted, That the returns of the elections in said counties shall be made to the officer ordering the same, who shall make a return thereof to the county clerk that may be elected in each county, who shall preserve and make a record of the same, and of the names of the persons declared to be elected.

Approved, 29th April, A. D. 1846.

JOINT RESOLUTION

Declaring the exclusive right of the State of Texas to the jurisdiction over the soil included within the limits thereof.

Section 1. Be it resolved by the Legislature of the State of Texas, That the exclusive right to the jurisdiction over the soil included in the limits of the late Republic of Texas was acquired by the valor of the people thereof, and was by them vested in the government of the said Republic, that such exclusive right is now vested in and belongs to the State, excepting such jurisdiction as is vested in the United States, by the constitution of the United States, and by the joint resolution of annexation, subject to such regulations and control as the government thereof may deem expedient to adopt; that we recognize no title in the Indian tribes, resident within the limits of the State to any portion of the soil thereof, and that we recognize no right in the government of the United States to make any treaty of limits with the said Indian tribes, without the consent of the government of this State.

Sec. 2. Be it further resolved, That his excellency the Governor, be requested to communicate this resolution to the government of the United States, and to our senators and representatives in congress.

Approved, 29th April, A. D. 1846.

AN ACT

Defining the mode of conveying Property in which the wife has an interest.

Privy examination of wife.

Certificate of judge.

Section 1. Be it enacted by the Legislature of the State of Texas, That when a husband and his wife have signed and sealed any deed or other writing purporting to be a conveyance of any estate, or interest in any land, slave or slaves, or other effects, the separate property of the wife, or of the homestead of the family, or other property exempted by law from execution, if the wife appear before any judge of the supreme or district court, or notary public, and being privily examined by such officer, apart from her husband, shall declare that she did freely and willingly sign and seal the said writing, to be then shown and explained to her, and wishes not to retract it, and shall acknowledge the said deed or writing so again shown to her to be her act, thereupon such judge or notary shall certify such privy examination, acknowledgment and declaration, under his hand and seal, by a certificate annexed to said writing to the following effect or substance, viz: State of Texas, county of before me judge of, or notary public of, county, personally appeared wife of parties to a certain deed or writing bearing date on the day of and hereto annexed, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she the said acknowledged the same to be her act and deed, and declared that she had willingly signed, sealed and delivered the same, and that she wished not to retract it; to certify which, I hereto sign my name and affix my seal, this day of A. D. [Seal.] But any certificate showing that the requisites of the law have been complied with shall be as valid as the form here prescribed; and such deed or conveyance, so certified, shall pass all the right title and interest which the husband

and wife, or either of them, may have in or to the property therein conveyed.

Sec. 2. Be it further enacted, That when a husband and wife have signed and sealed any deed, of the character described in the first section of this act, out of this State, but within the United States or any of their territories, if the wife appear before any judge of a court of record having a seal, in any of said states or territories, and be examined, and make the declaration and acknowledgments provided for in said section, and such judge shall make a certificate thereof in the manner provided for in said section, and attest the same under his hand and seal of his court, such deed shall have the same force and effect as if the same had been done in this State, before any of the officers named in said section; and when any such deed shall have been signed and sealed out of the United States, such examinations, declarations and acknowledgments may be taken or made before any public minister, charge *dé affaires* or consul of the United States, and the certificate of such minister, charge *dé affaires* or consul, in the manner and form provided for in said section, and attested under their hand and official seal, shall have the same force and effect as if such examination, declaration and acknowledgment had been taken, or made and certified in this State, before any of the officers named in said first section.

Deeds executed without this State.

Sec. 3. Be it further enacted, That this act is intended to apply to the property mentioned in the twenty second section of the seventh article of the Constitution, as well as to the property owned or claimed by the wife before marriage, and that acquired afterwards by purchase, gift, devise, or descent.

Applicable to property named in 22d sec. 7th art. constitution.

Sec. 4. Be it further enacted, That all former laws and parts of laws, concerning the mode of conveyance of property in which the wife has an interest, be and the same are hereby repealed.

Approved, 30th April, A. D. 1846.

AN ACT.

For the regulation of Wreck Masters.

Appointed by
the Governor.

Section 1. Be it enacted by the Legislature of the State of Texas, That the wreck masters of the State of Texas shall hereafter be appointed by the Governor of the State aforesaid, who is required to appoint at least one and not over three persons of good character in each maritime county of the State, to act as wreck master or masters within such county, and each person, so appointed, shall give a bond, with two or more good securities, for the sum of five thousand dollars, and conditioned for the faithful discharge of his duties, which bond shall be approved by the chief justice of the county from which the wreck master is appointed, before he shall be authorized to act as such.

Duty of wreck
masters to
save wrecked
property.

Sec. 2. Be it further enacted, That it shall be the duty of each wreck master, so appointed, as soon as practicable after hearing of any wreck in his county, or the portion of it allotted to him, to repair to the place where such wreck has occurred, and if the property so wrecked be abandoned by its owner, or the agent or factor of the same, or be found abandoned, no such person appearing, it shall be the duty of such wreck master to attend to the salvaging of such property, to use his best endeavors for the preservation of the same, and to attend generally to the interests of the owners of such property, or whom it may concern; and such wreck master shall have the command and direction of all persons engaged in saving and preserving the property aforesaid.

Controlled by
pilot commis-
sioners.

Sec. 3. Be it further enacted, That the wreck masters aforesaid, shall in each county be controlled by the board or provisional committee of pilot commissioners of the principal port of such county, if such there be, or in default of the same, by the chief justice of said county, under the regulation of existing laws.

Sec. 4. Be it further enacted, That it shall be

the duty of each wreck master to keep a true account of all property salvaged by him, or under his direction, to briefly note the circumstances under which it was saved, as well as the names of the persons engaged in salvaging, and the time that each was so employed, and other circumstances needful for the fair apportionment of salvage, of which, together with the account of sale and of proceeds, commissions, expenses, salvage, balance left, and the condition or disposition of the same; he shall, in due time, or so soon as required, make an abstract report to the board, committee, or chief justice, under whose control he acts; and he shall also, when required, report the same as well as any other needful information to the court or arbitration before which cases of salvage may come.

Keep accounts of property salvaged.

Sec. 5. Be it further enacted, That each wreck master shall take into his custody and attend to the safe keeping of all wrecked property salvaged by him, or under his direction, or found wrecked and abandoned in his county, or his portion of the same, and after the notice required by law, shall sell, or cause the same to be sold, at public auction, for the benefit of the owners or underwriters, and the salvors, to all of whom he shall faithfully account; and he shall receive a commission of five per cent. upon the amount of sales, after expenses are deducted, and before the part allowed for salvage is appropriated, with such reasonable expenses as may be allowed by the authority which controls him, or the court before which the case may come, which expenses may include the wages and mileage of a crier, at a rate to be fixed by said controlling authority; but no commission for selling, or any other, save that above provided for.

Shall sell property salvaged, and entitled to five per cent. commissions.

Sec. 6. Be it further enacted, That it shall be the special duty of each wreck master to prosecute, before the proper tribunal, any person or persons guilty of wasting or embezzling any property coming under the description of wrecked property, and any wreck master who shall know of any such offence, and not prosecute, as herein required, shall be subject to a fine not exceeding five hundred dollars,

Shall prosecute for waste or embezzlement.

at the discretion of the jury, which may be recovered before any court having competent jurisdiction.

Sec. 7. Be it further enacted, That the act entitled "an act providing for the mode of appointing wreck masters and prescribing their duties," approved, 8th January, 1841, as also the first and second sections of an act to amend the aforesaid act, approved, February 3d, 1844, be and the same are hereby repealed.

Sec. 8. Be it further enacted, That this act take effect from and after its passage.

Approved, 30th April, A. D. 1846.

AN ACT

Requiring the Governor to notify Chief Justices of Counties of the appointment of Notaries Public, and to have the same published in a newspaper.

Section 1. Be it enacted by the Legislature of the State of Texas, That when the Governor of the State shall make appointments of notaries public, as required by the 19th section of the 5th article of the Constitution of the State, it shall be his duty to notify the chief justice of the county in which such appointments have been made, have the same published in some newspaper or public journal published at the seat of government; and it shall be the duty of said chief justice to have said appointments published in said county, or by notice in writing posted up at three public places in the county, one of which shall be the court house door.

Sec. 2. Be it further enacted, That from and after such notice, all notaries public acting by and under the authority of the Republic of Texas, in said county, shall cease to discharge their official duties, and their acts, in such capacity, shall be void, if done subsequent to said notice.

Approved, 30th April, A. D. 1846.

AN ACT

Requiring Juries in certain Criminal Cases to assess the amount of fine to be imposed or punishment to be inflicted.

Section 1. Be it enacted by the Legislature of the State of Texas, That in the trial of all criminal cases, the jury trying the same, shall find and assess the amount of punishment to be inflicted, or fine to be imposed, except in capital cases and where the punishment or fine imposed shall be specifically imposed by law.

Sec. 2. Be it further enacted, That whenever any person charged or indicted for any criminal offence, shall plead guilty, it shall be the duty of the court, in which such charge or indictment may be pending, to empanel a jury to assess the amount of punishment to be inflicted or fine to be imposed.

Approved, 30th April, A. D. 1846.

AN ACT

To provide for revising, digesting and arranging the Laws, Civil and Criminal, of a general nature.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of the attorney general to revise, digest and arrange the laws, civil and criminal, now in force, or which may be enacted at this session of the legislature, by placing each subject matter therein under a separate head and in alphabetical order, and to report the same in such form and order, without alteration or amendment in any point, to be laid before the next session of the legislature for its action thereon; and in making such report it shall be his further

duty to make such suggestions for amendment or repeal, in any part that he may deem advisable, stating as briefly as may be his reasons for such suggestions.

Sec. 2. Be it further enacted, That upon the completion of the duties specified in the first section of this act, the report thereof shall be submitted to the Governor, for his examination, and shall be by him submitted to the legislature.

Sec. 3. Be it further enacted, That this act shall take effect and be in force from and after its passage.

Approved, 30th April, A. D. 1846.

AN ACT

Supplementary to the several acts for the relief of Minute Men, created under an act approved February 4th, 1841.

Section 1. Be it enacted by the Legislature of the State of Texas, That the comptroller of public accounts be and he is hereby authorised to audit the claims of all minute men, raised under an act approved February 4th, 1841, including captain J. C. Hays' company of minute men, to be paid according to the orders of the secretary of war of 27th May, 1841, whose claims have not been already audited and discharged in accordance with the laws in force on the subject, and to draw on the state treasurer for one-half of the amount so audited, and the state treasurer shall pay such drafts out of the unexpended balance of the appropriation made on the 3d of February, 1842.

Sec. 2. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, 2d May, A. D. 1846.

AN ACT

To legalize the official acts of Chief Justices and Associate Justices, and Courts of County Commissioners, while sitting as Boards of Land Commissioners.

Whereas, a doubt exists whether the chief justice, or chief justices and associate justices, or the court of county commissioners which were elected on the first Monday of September, 1845, constitutes the proper board of land commissioners for issuing land certificates to emigrants, under the laws now in force: And whereas, such certificates have been issued in some counties by the chief justice, or chief justices and the associate justices, and in other counties by the boards of county commissioners: Now, therefore, for the purpose of removing all doubts upon the subject,

Section 1. Be it enacted by the Legislature of the State of Texas, That all land certificates which have been issued since the first Monday in September, 1845, to emigrants under the laws now in force, whether the same have been issued by the chief justice, or chief justices and the associate justices, or by the courts of county commissioners, shall be as valid, and shall have the same force and effect as like certificates issued by the chief justice, or chief justices and the associate justices, previous to said first Monday in September, 1845: provided, that in all other respects the said certificates have been issued in conformity to law.

Sec. 2. Be it further enacted, That all such certificates as may be hereafter issued, before the boards of land commissioners which may be created by this legislature, shall enter upon the discharge of their duties, whether the same be issued by the chief justice, or chief justices and the associate justices, or by the courts of county commissioners, shall be as valid, and shall have the same force and effect as certificates of like character heretofore

issued: provided, that such certificates shall in all other respects be issued in conformity with the laws now in force.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage.

Approved, 2d May, 1846.

AN ACT

To repeal an Act supplementary to an Act authorizing the issuing of duplicate Land Warrants, Discharges and Headrights, on certain conditions, approved, January 15th, 1841.

Section 1. Be it enacted by the Legislature of the State of Texas, That the act recited in the caption or title of this act, be and the same is hereby repealed.

Sec. 2. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, 2d May, A. D. 1846.

AN ACT

Requiring County Surveyors to record certain Field Notes.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of any county surveyor in this State, to record the field notes which have, or may hereafter be made upon any claim originating under the provisions of an act entitled an act to open and establish a national road, approved, 5th February, 1844,

upon presentation: Provided, such survey shall or may have been made by any person legally authorized to survey.

Sec. 2. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, 2nd May, A. D. 1846.

AN ACT

To authorize the Chief Justice of the various Counties, elected on the first Monday in February last, to act until their successors are elected under the laws of the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That the chief justices of the various counties of this State, who were elected on the first Monday in February last, be, and they are hereby authorized to continue in office and perform the duties properly belonging to them until their successors are elected and qualified under the laws of the State.

Sec. 2. Be it further enacted, That all acts performed by said chief justices, in the discharge of the duties of their offices, shall be as valid and legal as if said chief justices had been duly commissioned.

Sec. 3. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, 2d May, A. D. 1846.

AN ACT

To apportion, in part, the public debt of the County of Fannin between the new Counties created within the former limits of the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That all legal and just debts, claims or demands, now due to, or held by citizens that reside in the new counties of Grayson, Colin, Hunt or Denton, against the county of Fannin, shall be audited by the county court of Fannin county, but the same shall be paid by the new county in which the holder thereof resides.

Sec. 2. Be it further enacted, That the county of Fannin is hereby released from all the debts, claims and demands, mentioned in the first section of this act.

Sec. 3. Be it further enacted, That this act take effect from and after its passage.

Passed, 4th May, A. D. 1846.

AN ACT

Supplementary to an act to create and organize the County of Panola.

Section 1. Be it enacted by the Legislature of the State of Texas, That the third section of an act to create and organize the county of Panola be so amended as to read as follows, to wit: That James Rowe, Parson Herrin, — Dickson, James A. Pugh, Richard Golden and James Williams, be, and they are hereby appointed commissioners to select two eligible sites, one of which shall be

within five miles of the centre of said county, and the other on either side of the Sabine river, without regard to the centre, for the county seat of said county, which places shall be submitted to the legal voters of said county, at public election, at such time and places as may be prescribed by law, and the place receiving a majority of the legal votes cast at said election, shall be the county seat, and shall be known and called by the name of Carthage, unless at said election some town or village now established in said county be selected as the county seat; and said commissioners shall have power to purchase land, in amount not to exceed one hundred and sixty acres, for the use of said county, or to receive any amount offered as a donation.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, 4th May, A. D. 1846.

AN ACT

For the relief of any person who may have purchased lots in the City of Austin, and out lots upon the tract adjoining.

Section 1. Be it enacted by the Legislature of the State of Texas, That all persons, who having purchased of the Republic of Texas, lots in the city of Austin, and out lots upon the town tract adjoining, and having made partial payment thereon, have forfeited the same by reason of the non-payment of the remaining sums due upon them, shall have an extension of twelve months from the passage of this act, to make payment to the State of the residue due upon such lots.

Sec. 2. Be it further enacted, That where any person or persons have heretofore purchased any

lot or lots as aforesaid, and paid any payment or payments on the same, there remaining a balance due the Republic, such person or persons shall be permitted to relinquish any of such lots to the State, and apply the amount which may have been paid thereon, to the payment of such instalments as may be due on other lots, which have not been relinquished.

Sec. 3. Be it further enacted, That upon any person or persons producing the proper evidence of having complied with the provisions of either of the preceding sections of this act, to the commissioner of the general land office, he is hereby authorized and required to issue patents to the parties for such lot or lots as may have been paid for.

Approved, 4th May, A. D. 1846.

JOINT RESOLUTION

Requesting the Governor to appoint some suitable person to proceed to the Indian Tribes.

Section 1. Be it resolved by the Legislature of the State of Texas, That the Governor be requested to appoint some suitable person or persons to proceed to the Indian tribes for the purpose of ascertaining their present situation and condition, and to take proper measures to prevent any irruption on the frontier settlements.

Approved, 4th May, A. D. 1846.

JOINT RESOLUTION

Making an appropriation to enable the Governor to send out despatches for the better security of the country.

Section 1. Be it resolved by the Legislature of the State of Texas, That the sum of five hundred dollars be and is hereby appropriated, subject to the orders of the Governor, for the purpose of sending despatches, and for the better security of our frontier.

Sec. 2. Be it further resolved, That this joint resolution take effect from and after its passage.

Approved, 5th May, A. D. 1846.

AN ACT

Requiring the Commissioner of the General Land Office to issue Patents in the name and by the authority of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner shall procure a seal for the general land office, with the words "General Land Office, State of Texas" engraved around the margin, and such other device as the Governor of the State shall approve.

Sec. 2. Be it further enacted, That all patents for lands, emanating from the government, shall be in the name and by the authority of the State and under the seals of the State and the general land office, and shall be signed by the Governor, and countersigned by the commissioner of the general land office.

Sec. 3. Be it further enacted, That this act take effect from and after its passage.

Approved, 5th May, A. D. 1846.

AN ACT

Regulating Juries.

County court
to keep jury
boxes and lists
of jurors in
their county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county courts of the several counties of this State shall provide, and at all times cause to be kept in their respective counties two jury boxes, numbered one and two; and the same courts shall prepare a list of such persons under the age of sixty years in their respective counties, as they shall judge well qualified to serve as jurors, being persons of good moral character and qualified electors under the constitution, and freeholders in the State or householders in the county, excepting the Governor, secretary of state, treasurer, comptroller, judges and clerks of courts, county commissioners and justices of the peace, sheriffs and their deputies, marshals and their deputies, constables, practicing attorneys and councillors at law, practicing physicians and surgeons, post masters, revenue officers, ferrymen, schoolmasters and ministers of the gospel, who shall be privileged from serving and having written their names upon tickets, they shall cause them to be placed in the jury box No. 1, and the said box shall be kept by the clerk of the county court, and the county court shall cause the said list to be entered in a jury book, to be provided for that purpose and kept by the said clerk, and the persons whose names are entered in the jury book and placed in the jury box, shall be liable to be drawn and to serve

as jurors at the term of the court for which they may be drawn, as hereinafter provided.

Sec. 2. Be it further enacted, That the county court at its first meeting in every year, shall revise and amend the list in the jury book, by adding thereto the names of such persons as have become qualified to serve as jurors, placing their names in jury box No. 1, and by erasing from such list, and withdrawing from the jury box, the names of such persons as may be disqualified or privileged from serving as jurors; but when it may be inconvenient to add to, or erase from the list, a new list may be made in the jury book.

Shall revise the jury box annually.

Sec. 3. Be it further enacted, That if any person whose name shall be in the jury box shall be hereafter convicted of bribery, perjury, forgery, or of any other crime which is by law a disqualification, or who has been convicted of any gross immorality, his name shall be withdrawn from the jury box and erased from the jury book, by the county court.

Persons convicted of immorality shall be stricken from the jury list.

Sec. 4. Be it further enacted, That from the jury box No. 1, there shall be drawn, by the clerk of the district court and the clerk of the county court, in every county, in the presence of some justice of the peace, at least thirty days before the first day of every term of the district court to be held for the county, the names of thirty-six persons to serve as jurors at such term of the district court, and as they are drawn the tickets upon which their names are written shall be placed in the jury box No. 2; every draft shall be made from box No. 1, and when that is exhausted the tickets shall be replaced in jury box No. 1, so as to preserve as nearly as may be rotation in the service of jurors, and to subject to jury service all who are legally qualified to serve.

36 jurors to be drawn before each term of court.

Sec. 5. Be it further enacted, That when the draft is being made, as provided for in the preceding section; if the name of any person shall be drawn, who within the knowledge of the clerks is unable, by reason of his absence from the county,

Absent or disqualified person drawn, another to be taken.

to attend the court, or who has become disqualified to serve as juror since the last revision, or who is privileged by law from serving, the clerks shall replace the ticket upon which the name of such person is written, in the jury box No. 1, and another shall be drawn in its stead.

Clerk shall enter names of the 36 jurors drawn in the jury book.

Sec. 6. Be it further enacted, That the clerk of the county court shall enter the names of the thirty-six persons drawn in the jury book, stating the time of the draft and the term of the court for which it is made, and shall, together with the clerk of the district court, and the justice of the peace aforesaid, certify thereto, and in like manner the clerk of the district court shall enter the same upon the minutes of the district court, and with the clerk of the county court and justice of the peace aforesaid, certify thereto.

Venire facias to issue.

Sec. 7. Be it further enacted, That it shall be the duty of the clerk of the district court, immediately after the draft of jurors, as contemplated in the preceding sections of this act, has been made, to issue a venire facias in due form, directed to the sheriff or other officer, containing the names of the persons who have been drawn to serve as jurors, and commanding him to summon them to appear and serve as jurors at the next succeeding term of the district court, naming the day and place where the same is to be held.

Sheriff to execute venire for jurors.

Sec. 8. Be it further enacted, That the sheriff or other officer shall execute the venire for jurors, either by giving personal notice to them or by leaving a written notice at their usual place of abode, at least five days before the first day of the term of the court at which they are required to appear and serve, and he shall make due returns of the venire, certifying how he has executed it.

Persons summoned as jurors must attend the court.

Sec. 9. Be it further enacted, That it shall be the duty of the persons summoned, in accordance with the provisions of the foregoing sections of this act, to attend at the time and place to which they have been summoned, and to serve as jurors

during the term of the court to which they have been summoned, or until discharged by the court.

Sec. 10. Be it further enacted, That on the first day of the term of the district court, or as soon thereafter as the court shall direct, the sheriff, or other officer in attendance upon the court, shall call the names of the jurors returned upon the venire, and thereupon there shall be drawn by lot, out of the whole number of jurors in attendance on the court, not more than twenty-three nor less than thirteen, who shall be empannelled as a grand jury, and whose business it shall be to enquire of and present all crimes and offences cognizable by the district court.

Grand jury empannelled.

Sec. 11. Be it further enacted, That if from any cause no jury has been drawn as contemplated in the preceding sections of this act, or no venire has issued, or the venire be quashed, or the array challenged, or whenever none of the jurors returned upon the venire are in attendance upon the court, the court shall have power to direct the issuance of a venire facias commanding the sheriff or other officer to summon the requisite number of legally qualified jurors, and such venire may be made returnable at such times as the court may direct, and upon the return thereof the same proceedings shall be had as in cases where the jury has been regularly drawn.

In case of failure of a jury, court may issue venire.

Sec. 12. Be it further enacted, That in case a portion of the jurors returned upon the venire are in attendance upon the court, but not a sufficient number to constitute the grand jury, the court shall have power to order the issuance of a venire facias commanding the sheriff or other officer to summon a sufficient number of by-standers to supply the deficiency on the pannel, and out of those so summoned a sufficient number shall be drawn, who with those of the original pannel in attendance shall compose the grand jury, and those not drawn shall be the petit jury for the term.

Failure of the grand jury, court may call by-standers.

Sec. 13. Be it further enacted, That in empannelling the grand jury the court shall appoint one

**Foreman, and
duties of grand
jury.**

to be the foreman of the same who shall be called and first sworn, and after him the others in such divisions as the court may think proper; the oath to be administered to the foreman of the grand jury shall be—"You, A. B., as foreman of this grand jury for the body of this county of B. solemnly swear that you will diligently inquire into and true presentments make of all such matters and things as shall be given you in charge; the State's counsel, your fellows and your own you shall keep secret; you shall present no person from envy, hatred or malice, neither shall you leave any person unrepresented for love, fear, or favor, affection or hope of reward, but you shall present things truly as they come to your knowledge, according to the best of your understanding, so help you God." The other grand jurors shall be sworn—"The same oath that your foreman has taken before you on his part you and each of you on your behalf shall well and truly observe and keep, so help you God."

Sec. 14. Be it further enacted, That in case of the absence of the foreman of the grand jury, from sickness or any other cause, the court shall have power to appoint one of the jury to be foreman in his stead.

**Foreman may
swear wit-
nesses.**

Sec. 15. Be it further enacted, That the foreman of the grand jury shall have power to swear any witnesses to testify before the grand jury, and it shall be his duty to endorse on the back of each presentment or indictment, the name or names of the witnesses for the prosecution, upon whose evidence the presentment or indictment was found, certifying thereto, as foreman.

**Petit jury,
their duties.**

Sec. 16. Be it further enacted, That where the grand jury has been empannelled, the residue of the jurors returned upon the original venire, and in attendance upon the court, shall be the petit jurors for the term, and the oaths which shall be administered to the petit jury when empannelled, shall be in civil cases as follows: "You, and each of you swear that in all cases between

parties, that shall be committed to you, you will give a true verdict therein, according to the law and the evidence given you, so help you God." In criminal cases, not capital, the oath shall be—"You swear that you will well and truly try the issue between the State and the defendant or defendants, (as the case may be,) according to the law and evidence, so help you God." In capital cases the oath shall be—"You swear that you will well and truly try and true deliverance make between the State and the prisoner at the bar, whom you shall have in charge, according to law and evidence, so help you God."

Sec. 17. Be it further enacted, That when from challenges or any other cause, there shall not be a jury to determine any civil or criminal cause, which may be called for trial, the sheriff or other officer shall by order of the court, return jurymen of the by-standers sufficient to form or complete the pannel, and if during the trial of any cause civil or criminal, any juror shall from any cause, become unable to serve, the sheriff or other officer shall, by order of the court, return a jurymen of the by-standers, to supply his place, who shall be sworn as other talismen, and the trial commenced anew: Provided, no person shall be considered as competent to be returned who is not qualified to serve as required by this act.

Sheriff may
summon by-
standers to
jury in certain
cases.

Sec. 18. Be it further enacted, That talismen may be sworn for the trial of the suit or for the day, or for the residue of the term of the court, as the court may think proper, and such alteration shall be made in the form of the oaths herein prescribed as will meet the circumstances of the case.

Talismen
sworn for the
day or term.

Sec. 19. Be it further enacted, That if at any time, from the quantity of business pending in the district court, or other cause, the court shall be of opinion that it will be a hardship on one set of petit jurors to serve the whole of the term, and that it will serve the interest of individuals and facilitate the despatch of business to have a second set of jurors, the court shall have power to

Court may is-
sue venire for
additional ju-
rors.

cause a venire to issue as in other cases requiring the return of such number of legally qualified jurors as may be deemed necessary, and the jurors so returned shall be liable to serve alternately with the first jury, or when required by the court, during the term of the court.

Court may excuse a juror.

Sec. 20. Be it further enacted, That the court may in its discretion excuse any juror from attendance for a limited time or for the term.

Clerk of district court to furnish clerk of county court with names of persons drawn at last term.

Sec. 21. Be it further enacted, That it shall be the duty of the clerk of the district court, immediately after the adjournment of said court to furnish to the clerk of the county court the names of those persons who were drawn to serve as jurors at the last term of the court, but not summoned, or who were summoned but did not attend, or who attended but were excused by the court, from serving as jurors, and it shall be the duty of the clerk of the county court thereupon to return the tickets upon which the names of such persons are written, from jury box No. 2, to jury box No. 1, making a minute of the same upon the jury book, and such persons shall be liable to another draft and to serve as jurors in the same manner as if their names had not been previously drawn.

Jurors privileged from arrest.

Sec. 22. Be it further enacted, That jurors shall be privileged from arrest during their attendance upon court, and in going to and returning from the same, except in cases of felony or misdemeanor.

Challenges to jurors.

Sec. 23. Be it further enacted, That in civil suits either party may challenge three jurors without showing any cause therefor; in criminal prosecutions, for offences not capital, the defendant may challenge seven jurors without showing any cause therefor: and in criminal prosecutions for capital offences, he may challenge twenty jurors without showing any cause therefor, except where more than one defendant is put upon trial at the same time, when each defendant may challenge twelve jurors without showing any cause therefor,

and no more; in criminal prosecutions, for offences not capital, the district attorney may challenge three jurors and no more, without showing any cause therefor; and in prosecutions for capital offences he may challenge five jurors, and no more, without showing any cause therefor.

Sec. 24. Be it further enacted, That no person shall converse with a juror while the jury have a case under consideration, except by permission of the court.

No one may talk with the jurors.

Sec. 25. Be it further enacted, That no judge, in any cause, civil or criminal, shall charge the jury upon the weight of evidence, but he may sum up the testimony and shall charge the jury upon any matter of law arising thereon.

Judge may not charge jury on weight of evidence.

Sec. 26. Be it further enacted, That every person who shall have been duly summoned as a juror, whether upon a venire issued, or as a talisman, who shall fail to attend the court to which he has been so summoned, and serve as a juror, shall be liable to be fined by the court, in a sum not exceeding one hundred dollars, at the discretion of the court; but where such fine is imposed judgment final shall not be rendered thereon until the defendant has first been cited to appear and show cause why such judgment final should not be rendered against him, and if he appear and show cause, the court in its discretion, may remit the fine in whole or in part, and with or without payment of costs.

Persons summoned as jurors fined for non-attendance.

Sec. 27. Be it further enacted, That the certificate of the clerk of the district court, shall be evidence of the period of service of each petit juror.

Clerk's certificate to juror for services.

Sec. 28. Be it further enacted, That all laws and parts of laws contravening the provisions of this act, are hereby repealed: Provided, that nothing in this act shall be considered as releasing any jurors from fines, or forfeitures incurred heretofore.

Approved, 4th May, A. D. 1846.

AN ACT

Supplementary to the several acts for the relief of Minute Men, created under an act approved, February 4th, 1841.

Section 1. Be it enacted by the Legislature of the State of Texas, That Capt. J. C. Hays be, and is hereby authorized to draw and receipt for the money due his company, raised in 1841, under the instructions of the secretary of war, and is required to disburse the same, according to the muster rolls.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, 5th May, A. D. 1846.

AN ACT

Requiring the County of Newton to pay a portion of the debt of the County of Jasper.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county of Newton shall pay to the county of Jasper such portion of the debt due by said county of Jasper as may be apportioned to Newton county, by the county courts of their respective counties, and in the manner in which said courts may determine.

Sec. 2. Be it further enacted, That after said county debt shall have been so apportioned, the county of Newton shall be bound to provide for and pay their proportion of the debt of said county of Jasper, so assessed to them, as if the same had been originally contracted by the said county of Newton.

Sec. 3. Be it further enacted, That it shall be

the duty of the commissioners of the county of Jasper and the commissioners of the county of Newton, or a majority of them, and they are hereby required to meet, on or before the first day of December, 1846, at the court house in the town of Jasper to make said apportionment.

Sec. 4. Be it further enacted, That said commissioners, or a majority of them, shall make a record of all their doings under this act, which shall be signed by them, and a copy thereof shall be deposited with the clerk of each of the aforesaid counties.

Sec. 5. Be it further enacted, That said commissioners shall severally receive as a compensation for their services the sum of two dollars for each and every day they may be employed in such service, to be paid by their respective counties.

Sec. 6. Be it further enacted, That this act take effect from and after its passage.

Approved, 7th May, A. D. 1846.

AN ACT

Requiring the County Treasurer of Paschal County to pay over all monies collected by him for county purposes, which remained in his possession after the said County of Paschal was declared unconstitutional, and his said office thereby abolished.

Section 1. Be it enacted by the Legislature of the State of Texas, That so soon as the county courts of Cass, Titus and Hopkins counties, shall be organized, that the county treasurer of Paschal county, whose office was abolished by the decision of the supreme court, declaring the creation of said county unconstitutional, the said county treasurer be and he is hereby required to pay over to the county treasurers of the said counties of Cass, Titus and Hopkins, in equal proportions, all monies re-

maining in his hands after his said office was abolished by the aforesaid decision of the supreme court, and that in case of refusal on the part of said county treasurer, he shall be subject to compulsory process, by authority of the county courts of said counties.

Approved, 7th May, A. D. 1846.

AN ACT

To authorize the Governor to procure and have copied for the benefit of the several Counties of this State a full set of Weights and Measures in conformity to the standard now used and adopted by the Government of the United States, and providing for the distribution of the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be, and he is hereby authorized to procure, at the expense of the State, a set of weights and measures, in conformity with the standard adopted and now used by the government of the United States, and to place the same under such care and at such suitable and convenient place as will in his opinion most effectually accomplish the object herein-after expressed.

Sec. 2. Be it further enacted, That the Governor be, and he is hereby authorized, to cause correct copies of such weights and measures, when procured, to be made under such appropriate seal as he may adopt, and to deliver or cause to be delivered, after the inspection and approval of some one competent, and by him appointed for that purpose, a full set of such weights and measures, to the chief justice of each and every county of this State, on their several applications, and at the cost and expense of their respective counties.

Sec. 3. Be it further enacted, That the county courts of the several counties of this State be and they are hereby authorized and directed to grant

and allow a license to such suitable person or persons as they may think proper, to make and vend weights and measures agreeing with the standard furnished by the Governor, under such rules and regulations as they may think proper to prescribe; Provided, however, that no such weights and measures shall be sold or distributed unless the same have been first examined and approved by the county court, or some competent person under their direction and approval.

Sec. 4. Be it further enacted, That the standard of weights and measures adopted and now used by the government of the United States be and the same is hereby declared the only legal standard of weights and measures for this State.

Sec. 5. Be it further enacted, That this act take effect from and after its passage.

Approved, 7th May, A. D. 1846.

AN ACT

Prescribing the duties and powers of the Commissioners appointed to locate the County Seats of Panola and Upshur counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioners, or a majority of them named in the acts creating the counties of Panola and Upshur, shall, on or before the second Monday in June next, select and nominate the places to be voted for as county seat, in accordance with the directions of said acts, and shall cause said places to be published and made known to the people of said counties, in time to be voted for on the second Monday in July next, the day for electing county officers.

Sec. 2. Be it further enacted, That within fifteen days after said election the commissioners of their respective counties, or a majority of them, shall make known the result of the same, publish-

ing the number of votes given for each place, and they shall immediately thereafter proceed to lay off the place selected for the county seat, into convenient lots, reserving one in the centre thereof, of such size as they may deem proper, upon which to erect a court house, and one in some other part thereof, upon which to erect a county jail, and shall at such time or times as may be agreed upon among themselves, offer said lots for sale upon a credit of twelve months, taking notes with good security, and mortgages upon the property sold, payable to the judges of the county courts of their respective counties, and their successors in office, for the use of the county, to be applied to the erection of county buildings first, and then to such other purposes as the county courts of said counties may direct: Provided, the said commissioners shall give at least thirty days notice of each and every sale.

Sec. 3. Be it further enacted, That the commissioners for the services required of them by the acts creating the counties of Panola and Upshur, and this act, shall receive such compensation as may be allowed by the county courts of their respective counties, for each and every day they may be in service.

Sec. 4. Be it further enacted, That this act take effect from and after its passage.

Approved, 7th May, A. D. 1846.

AN ACT

To apportion the liabilities of the County of Houston between said County and the County of Anderson.

Section 1. Be it enacted by the Legislature of the State of Texas, That so much of the existing debt or liabilities, of whatever description, of the county of Houston as may be due or payable to citizens of Anderson county, on the second Monday

in July, 1846, shall be payable by Anderson only, and not by Houston county, and so much of said debt or liabilities as may be payable to any other person or persons, natural or corporate, than citizens of either of said counties, shall be payable one-half by each of said counties respectively.

Sec. 2. Be it further enacted, That all taxes, of whatever description, heretofore assessed or levied for county purposes, on persons or property, within the limits of Anderson county, by the authorities of Houston county, and remaining uncollected on the said second Monday in July, shall be payable to Anderson county only and not to Houston county.

Sec. 3. Be it further enacted, That it shall be the duty of the chief justice of Houston county, so soon as may be after the said second Monday in July, and before the second Monday in January, 1847, to notify the county court of Anderson county to meet the county court of Houston county, at Crocket, in joint session, for the purpose of ascertaining the debts and credits of said county of Houston, existing on the said second Monday in July, and for the purpose of making an equitable partition of said debts, credits and liabilities, according to the provisions of this act, and for the purpose of transferring to Anderson county her just proportion of said debts, credits and liabilities.

Sec. 4. Be it further enacted, That the said adjustment and partition of the said debts, credits and liabilities, so made in joint session, and all other matters and things which they may do in joint session, for the advantage and benefit of said counties, and not inconsistent with the true intent and meaning of this act, shall be binding and conclusive on said counties respectively.

Sec. 5. Be it further enacted, That a majority of the members of said courts shall form a quorum to transact the business herein assigned them, and may adjourn from day to day until the same be completed, and receive for their services each two dollars per day, to be paid by their respective counties.

Approved, 8th May, A. D. 1846.

AN ACT

To provide for raising a Jury Fund.

Suits in district court to be taxed.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of the several clerks of the district courts of this State to tax, as costs, in every suit or action instituted in the district courts of this State to tax, as costs, in every suit or action instituted in the district courts of this State, the sum of three dollars, which shall be collected as other costs of suit, and paid by the clerk or sheriff collecting the same into the county treasury, to be applied exclusively to the payment of the jurors of their respective counties.

District clerk to account for monies collected.

Sec. 2. Be it further enacted, That it shall be the duty of the several district clerks of this State, on the first day of each regular term of the district court holden in each county, respectively, to make out a regular statement of all monies received by them under the provisions of this act, which shall be reported, and with the several sums so raised be passed into the hands of the county treasurer.

Fines &c. appropriated to pay petit jury.

Sec. 3. Be it further enacted, That all fines for contempt of court, and all fines for jurors for non-attendance, or for any other cause, imposed by any court of record of this State, shall be, and the same are hereby appropriated and set apart exclusively for the payment of future petit jurors in the county in which such fines may be imposed, and when collected by the sheriff, shall be paid over to the county treasurer, and by him carried into account of the jury fund of his county.

Clerks refusing to account are fined.

Sec. 4. Be it further enacted, That any clerk of the district court receiving any jury tax or fines, and failing or refusing to pay over or account for the same, shall be subject to judgment for such amount, and twenty-five per centum damages, on motion of the county treasurer or other person interested in court, giving such clerk or sheriff aforesaid three days notice of the filing such motion.

County treasurer to keep

Sec. 5. Be it further enacted, That it shall be the duty of the county treasurer to keep a separate account of all sums received by him on account of

the jury fund and to disburse the same in payment of ^{jury fund separate.} future petit jurors, and for no other purpose, having and filing the necessary warrants, or tickets as vouchers, for each disbursement, and reporting all transactions in relation thereto, in his regular reports to the county court of his county.

Sec. 6. Be it further enacted, That each future petit juror shall be entitled to one dollar and fifty cents per diem.

Approved, 8th May, A. D. 1846.

AN ACT

To incorporate the La Vaca, Guadalupe and San Saba Rail Road Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Charles Leinnengen, Charles Castell, John O. Meusebach, their associates and successors, be, and they are hereby constituted and declared to be a body politic and corporate, under the name and style of the La Vaca, Guadalupe and San Saba Rail Road Company.

Sec. 2. Be it further enacted, That the said persons, their associates and successors, under the name and style aforesaid, shall be capable in law of suing and being sued, pleading and being impleaded, defending and being defended in all courts whatsoever in this State, and may have a common seal and alter the same at pleasure.

Sec. 3. Be it further enacted, That the said persons, their associates and successors, under the name and style aforesaid, shall have the right to construct a rail road from La Vaca bay to any point not beyond the San Saba, with the consent of the owners of the soil over which the said road may pass; to construct all bridges and other works necessary to the construction of said rail road, provided, the same shall not impede any highway over land, or the navigation of any water course; of

purchasing property, real, personal and mixed, so far as is necessary for the construction of such rail road, and making depots on the same at various points; and of holding and disposing of such property as they may have heretofore acquired of the Republic of Texas, in their individual capacity, not incompatible with the constitution and general laws of the State.

Sec. 4. Be it further enacted, That the said corporation may enact such by-laws and rules for the management of their affairs as are consistent with the constitution and laws of the State. They shall have power to elect an agent whose name shall be made known to the public and by whom the business of the corporation may be conducted.

Sec. 5. Be it further enacted, That the said corporation shall at no time charge more than three cents per mile for passengers, nor more than twenty-five cents per cwt., for freight for every twenty-five miles or over, that the same may be transported on said road.

Sec. 6. Be it further enacted, That this act shall continue in force for twenty-five years, and expire by limitation, and the property belonging to said corporation, real, personal and mixed, shall be sold, and the proceeds thereof distributed and paid over to the stockholders of said corporation: Provided, always, that if the said rail road be not commenced and completed within the term of five years from and after the passage of this act, the rights, privileges and immunities extended by this charter shall be, and the same are hereby, declared to be forfeited and void.

Sec. 7. Be it further enacted, That this act take effect from and after its passage.

Approved, 8th May, A. D. 1846.

AN ACT

To authorize the apponitment of Commissioners to take the acknowledgments of Deeds, Depositions and other instruments of writing executed out of this State.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor of the State of Texas is hereby authorized to name, appoint and commission one or more persons in each or such of the other States of the United States, or the District of Columbia, as he may deem expedient, which commissioners shall continue in office during the pleasure of the Governor, and shall have authority to take the acknowledgments and proofs of the execution of any deed, mortgage, or other conveyance of any lands, tenements or hereditaments, and also to take the examination of married women as to their relinquishment of any right, title or interest which they may have in any lands lying or being in this State.

Sec. 2. Be it further enacted, That any contract, letter of attorney or other writing, under seal, to be used or recorded in this State, and such acknowledgment or proof taken or made in the manner directed by the laws of this State, and certified by any one of said commissioners, before whom the same shall be taken or made, under his seal, which certificate shall be indorsed on or annexed to said deed or instrument aforesaid, shall have the same effect and be as good and valid in law for all purposes as if the same had been made or taken as now required by law.

Sec. 3. Be it further enacted, That every commissioner appointed by virtue of this act shall have full power and authority to administer an oath or affirmation to any person who shall be willing and desirous to make such oath or affirmation before him, and such affidavit or affirmation made before such commissioner shall be, and is hereby declared to be, as good and effectual, to all intents and pur-

poses, as if taken by any officer in this State competent to take the same.

Sec. 4. Be it further enacted, That every commissioner appointed as aforesaid, before he shall proceed to perform any duty under and by virtue of this law, shall take and subscribe an oath or affirmation before the clerk of any court of record in the city or county in which such commissioner may reside, well and faithfully to execute and perform all the duties of such commissioner, under and by virtue of this act, or the laws of this State, which oath or affirmation, certified to by the clerk, under his hand and seal of office, shall be filed in the office of secretary of this State.

Sec. 5. Be it further enacted, That every commissioner appointed under this act shall have power and authority to take depositions under a commission issued to him according to law, from any court in this State, to be used as evidence in any cause pending in a court of the same, when returned as prescribed by law.

Approved, 8th May, A. D. 1846.

AN ACT

Authorizing and requiring the Commissioner of the General Land Office to issue Patents to claimants on land lying in two or more Counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office be, and he is hereby authorized and required to issue patents, in all cases upon surveys of land lying in two or more counties, where no conflict between such surveys and others exist, and to which there is no other objection than that of a division in said surveys, occasioned by a county boundary passing through them.

Sec. 2. Be it further enacted, That in cases

where conflicts exist between surveys, the commissioner of the general land office shall be authorized and is hereby required, to issue patents to such portions of such surveys as are free from its conflicts, and also to issue a certificate for the residue in each case, upon which certificate county surveyors shall be authorized and required to survey, as though said certificate had been issued by a board of land commissioners.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage.

Approved, 9th May, A. D. 1846.

AN ACT

To define the duties of Secretary of State.

Sec. 1. Be it enacted by the Legislature of the State of Texas, That a Secretary of State shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall be continued in office during the term of service of the Governor elect.

Sec. 2. Be it further enacted, That he shall keep a fair register of all the official acts of the Governor, and when required, shall lay the same and all minutes and other papers in relation thereto before the legislature, or either branch thereof. Keep register.

Sec. 3. Be it further enacted, That he shall keep his office at the seat of government, or other place where the sessions of the legislature may be held: he shall, in a separate book, suitable for the purpose, keep a complete register of all the officers appointed and elected in the State, and commission the same when not otherwise provided for by law; he shall, in books to be kept in his office, exclusively for the purpose, record depositions and affirmations required by law to be made by resident aliens desirous of holding real estate in Office at seat of government.
Record depositions, &c.

this State; he shall arrange and preserve all books, maps, parchments, records, documents, deeds, conveyances, and other papers belonging to the State, that have been or may be properly deposited there, and sealed with the seal of the State, and also similar copies of any act, law, or resolution of the United States, or either of them, from the originals in his office, which copies shall be as legal and conclusive in evidence, and to all intents and purposes, in the courts of this State, as the originals would have been; and he shall, when required, furnish the Governor, the legislature, or either branch thereof, with such copies, and shall affix the seal of the State to all certificates of official character that may emanate from his office.

Take care of
bills and pro-
vide for print-
ing laws.

Sec. 4. Be it further enacted, That he shall attend at every session of the legislature for the purpose of receiving bills which have become laws, and immediately after the close thereof shall cause all such bills and all the enrolled joint resolutions of the legislature to be bound together in a volume to be kept in his office, and the date of the session to be written or stamped thereon, a certified copy of which he shall deliver to the public printer, together with an index of the same, and marginal notes of the purport affixed to each section, and he shall carefully examine and compare the printed copy with the certified copy and correct all the errors contained in the former.

Shall distrib-
ute laws, &c.

Sec. 5. Be it further enacted, That he shall distribute the printed laws and journals of each session of the legislature, immediately after their publication, as follows: one copy of each to the Governor, secretary of State, treasurer, comptroller of public accounts, each member of the legislature, each judge and clerk of the supreme, district, county and probate courts, attorney general, and each district attorney; and a copy of the printed laws to each county commissioner, each notary public, justice of the peace, sheriff, coroner, assessor and collector of taxes, county

treasurer, county surveyor, major, brigadier, adjutant and quartermaster general, and major; also, three copies to the secretary of state of the United States, and one copy to each Governor of a state or territory thereof.

Sec. 6. Be it further enacted, That he shall direct and send to the clerk of the county court of each county all the copies of the laws and journals which are to be distributed in said county, with instructions to deliver them according to the requisitions of this act; he shall also deposit with said clerk, for the use of the county, one copy of all the acts of the congress of the United States which may be received in his office.

Shall send to clerk of county court laws and journals.

Sec. 7. Be it further enacted, That in the absence of the secretary of State it shall be competent for the clerk of the State department to perform all the duties required by this act from the secretary of State, and that this act take effect from and after its passage.

Clerk may act in absence of secretary.

Approved, 9th May, A. D. 1846.

AN ACT

To provide for the appointment of Patrols and to prescribe their duties and powers.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county court of every county shall upon application, when necessary, appoint a patrol detachment to consist of one captain and not more than five privates nor less than three, for each or any district or company division in the county, whose term of service shall be three months from the time of their appointment: Provided, that one half of the patrol appointed shall be owners of slaves, or their substitutes.

To consist of one captain and five men.

Sec. 2. Be it further enacted, That the captain and privates of each detachment shall be appointed

Shall patrol districts.

ed from among the citizens of the district or division, who are subject to perform militia duty, and who are to patrol the same, and that they shall patrol said district at least once in every month, and as much oftener as the tranquility thereof may require, by visiting the negro quarters and all other places in said district, where it may be suspected that slaves are improperly or unlawfully assembled.

May punish
slaves found
without pass.

Sec. 3. Be it further enacted, That whenever a detachment, or part of one, may find any slave or slaves off the plantation or other premises of his, her or their master, mistress, or employer, strolling about without a pass or other written permission from some person authorized to give the same, said detachment, or part thereof, may give to every slave so offending, any number of lashes not exceeding twenty-five.

May search
suspected
places for run-
away slaves,
&c.

Sec. 4. Be it further enacted, That any detachment, or part thereof, shall be authorized under such rules as may be prescribed by law, to search suspected places for harbored, runaway or fugitive slaves, to apprehend and carry the same before a justice of the peace in the district, or the nearest justice out of said district, to be dealt with as the law may direct, and also to apprehend any white person who may be found in any assemblage of slaves, or in or about any negro quarter, associating with, or participating in common with the slaves of such assemblage or quarter, in amusements or associations, without having the permission of the master or owner of such slaves, and carry such person or persons before any justice of the peace in such district, who shall be fined for the first offence a sum not less than five nor more than fifty dollars, and imprisoned not more than thirty days; and for a second offence, shall be liable for double the penalty; and for a third offence, shall be bound by said justice, to the next district court, and be subject to indictment and punished as for a misdemeanor.

Patrols con-

Sec. 5. Be it further enacted, That no detach-

ment shall do patrol duty out of the limits of its own district or division, unless by special permission of the county court, or in case of insurrection or insubordination among slaves, or in case of their assembling at an improper time or place, or unlawfully, or for an improper purpose.

Sec. 6. Be it further enacted, That the captain may divide his detachment, when on duty or about to engage in it, and may require each division thereof to patrol in such part of the district as he may designate: Provided, however, that no division shall consist of less than two patrols.

Sec. 7. Be it further enacted, That it shall be the duty of the captain to notify the members of his detachment of their appointment, and of the times when and the places where they will be required to perform patrol duties, and also to prevent each one of them from committing trespasses and all other unlawful acts while engaged patrolling, but if any member thereof should be guilty of any thing herein forbidden, it shall be the duty of said captain to report his name and offence to some justice of the peace in his district, or to the nearest justice in the county, that the offender may be dealt with according to law; and for a failure of said captain so to do, he may, on complaint to said justice, be fined not less than ten nor more than fifty dollars, for each and every such failure.

Sec. 8. Be it further enacted, That if any person liable to patrol duty, shall after being appointed and notified thereof, fail or refuse to discharge the duties required of him by this act, or shall fail or refuse, when on duty, to obey the detachment officer, he may on conviction before the justice of the peace of his district, or the nearest justice in his county, be fined a sum not less than five nor more than twenty dollars, for each and every failure or refusal: Provided, however, that the person so charged shall have the privilege of being heard in his defence.

Sec. 9. Be it further enacted, That in case of

fined to their own districts, except, &c.

Duties of captain of patrol.

Refusal to do patrol duty.

Removal of a

member of
patrol com-
pany.

the death or removal from the district of any member of a detachment, any other member thereof may, on application to the county court, have the vacancy thus occasioned, filled if necessary, and that any three members of a detachment may on application in writing, for sufficient cause therein shown to said court, have the officer, or any other member thereof removed from said detachment and the vacancy filled as hereinbefore specified.

Captains of
militia compa-
nies to furnish
lists of men li-
able to patrol.

Sec. 10. Be it further enacted, That every captain or commanding officer of a militia company, shall within ten days after his muster, file in the office of the clerk of the county in which he resides, a full and correct list of the persons in his district or division who are liable to do militia duty, from among whom shall be appointed a patrol detachment, as in this act is provided, and for a failure of said captain or commanding officer so to do, he shall be subject to a fine of not less than twenty nor more than fifty dollars, recoverable on conviction before a justice of the peace, as is provided in this act.

County court
to commission
offices of pa-
trol.

Sec. 11. Be it further enacted, That it shall be the duty of the county court to commission the officer of said detachment, furnish him with a list of the members thereof, and notify him of the time for which the same were appointed to serve as patrols.

Allowance for
seizing runa-
way negro.

Sec. 12. Be it further enacted, That any detachment shall be allowed, for apprehending and taking before a justice of the peace, and from thence to the owner or the jail of the county, any runaway slave, the same fees that may be allowed by law to any other person for similar services, and the amount when received shall be equally divided among those who may have performed the services.

Malfeasance
by patrol.

Sec. 13. Be it further enacted, That the informer against any patrol for malfeasance or for disobedience of orders, shall be a competent witness in the case, and that all fines for breaches of this

act, shall when collected, be paid into the county treasury, for county purposes and that this act shall take effect from and after its passage.

Approved, 9th May, A. D. 1846.

JOINT RESOLUTION.

Whereas, by the Constitution of the State of Texas, the Governor of the State is declared commander-in-chief of the army and navy of the State in time of peace: And whereas, the legislature have power to grant him leave, and give him authority to take command in time of war, of all the troops raised in this State: And whereas, by recent information, such emergency does exist: Therefore,

Section 1. Be it resolved by the Legislature of the State of Texas, That J. P. Henderson the Governor of the State, have leave and authority under this resolution to take command in person, of all troops raised and mustered into service by order of the general government according to the constitution and laws of the United States.

Approved, 9th May, A. D. 1846.

AN ACT

To prevent Slaves from hiring their own time, or their owners from hiring them to other Slaves, free Negroes or Mulattoes.

Section 1. Be it enacted by the Legislature of the State of Texas, That any owner or master of ^{Owner of} slave ^{of} fined.

a slave or slaves, who shall hire such slave to any other slave, or to any free negro or mulatto, or shall permit or suffer such slave to go at large upon a hiring of his own time, for more than one day in the week, except in the christmas holidays, and to act or deal as a free person, within this State, shall be fined in a sum not to exceed one hundred dollars for every such offence.

Slave going at large to be taken up. See sec. 3 and 4.

Sec. 2. Be it further enacted, That if any sheriff, coroner, or constable shall discover within his county, any slave going at large or hiring contrary to this act, it shall be his duty, and it shall be lawful for any other person to arrest any such slave and take him before any justice of the peace in his county, without warrant.

Sec. 3. Be it further enacted, That if any justice of the peace shall receive satisfactory evidence or information that a slave or slaves are going at large, or hiring their own time within his county, contrary to the provisions of this act, he shall immediately issue his warrant to apprehend and bring such offenders before him.

Shall be committed to county jail.

Sec. 4. Be it further enacted, That when any slave or slaves shall be brought before any justice of the peace under the provisions of this act, said justice shall enquire into the facts, and if it shall appear that such slave or slaves have been going at large or hiring, contrary to any of the provisions of this act, he shall commit such slave to the county jail, there to remain until discharged as hereinafter provided.

Discharged by master paying costs.

Sec. 5. Be it further enacted, That any slave apprehended or committed under this act may be released upon application, made by the owner of the same, at any time before said slave is sold, under the provisions hereinafter provided, upon the payment of all costs and fine that may have accrued or be assessed against the same.

Sec. 6. Be it further enacted, That it shall be the duty of the justice of the peace committing any slave under this act, to report the same to the

county court at its next session, also the amount of fine and costs assessed in each case.

Sec. 7. Be it further enacted, That the county court shall at its regular sessions, if any slave shall have been committed to jail under this act, since the last session of the same, order that the clerk of the county court publish by written notices posted up at three or more public places in his county, and by publishing an advertisement in some newspaper in this State, for one month, giving a fair and full description of such slave, the cause of commitment and the name of the owner, if known.

Notice of slave committed to be given.

Sec. 8. Be it further enacted, That at the next term of the court, after the above notice is given, if the slave so advertised is not proven away by the owner, the court shall order a sale to be made of the same, on a certain day to be mentioned, not less than three nor more than six months, and that publication be made in some newspaper published in this State, at least for three months next before the said day of sale, and the sheriff shall sell the said slave for cash, under the same regulations that govern sales under execution, unless the said slave be proven away by the owner, under the provisions of the fifth section of this act.

Slave to be sold, &c.

Sec. 9. Be it further enacted, That all fines arising under this act, shall be paid into the county treasury, and all monies arising from a sale under this act, after paying the costs of apprehending, trying, committing, advertising, and five per cent. to the sheriff for selling, and all other costs necessarily accruing, shall be paid into the county treasury, and all monies paid into the treasury under this act, shall be subject to the orders of the county court for county purposes.

Fines to be paid into county treasury.

Sec. 10. Be it further enacted, That if any person, within five years after the sale of a slave under this act, shall come forward and make satisfactory proof to the county court, that said slave was his property at the time of such sale,

Amount of sale paid to owner of slave sold.

the court shall order that the county pay out of any money in the treasury not otherwise appropriated, to said person, the balance of such sale after deducting all costs and fine that had accrued against the same.

Approved, 11th May, A. D. 1846.

AN ACT

Creating the County of Titus.

Section 1. Be it enacted by the Legislature of the State of Texas, That all that portion of territory now included in the counties of Red River, and Nacogdoches and Bowie, within the following limits, to wit: beginning at the south-east corner of Hopkins county; thence, north to the middle of South or the Big Sulphur Fork of Red River; thence, down the middle of said stream to a point five and one-half miles below where the western boundary line of Bowie county crosses the same; thence, south to Cypress; thence, up said stream to the mouth of the dry fork of the same, and up said dry fork to a point due east of the south-east corner of Hopkins county; thence, in a direct line to the place of beginning, be, and the same is hereby created into a new county to be called Titus.

Sec. 2. Be it further enacted, That the inhabitants residing within the aforesaid limits shall be entitled to all the rights, privileges and immunities guarantied to the citizens of other counties except the right of separate representation and a separate land district, for which purpose they shall remain as heretofore, until otherwise provided by law.

Sec. 3. Be it further enacted, That James Bose, John G. Chambers, Alexander Nevills, John Stewart and Thomas Burns, be, and they are hereby appointed commisioners, whose duty it shall be to

find the centre of said county and select two places within three miles of said centre, having due respect to donations that may be offered by individuals of land or other property for a town site for the use of the county. The commissioners shall then proceed to hold an election, and the place receiving the greatest number of votes shall be the county seat of said county; and the place so elected shall be known and called by the name of Mount Pleasant; after which the commissioners shall proceed to lay off a town and sell the lots therein at public auction, on a credit of twelve months, and all the proceeds arising from the sale of lots, or other donations, shall be applied by the commissioners herein created to the erection of public buildings for the use of the county; and said commissioners shall be allowed one dollar per day each for their services, to be paid out of the county treasury, and before entering upon the duties of their office they shall take an oath faithfully and impartially to perform the same; and a majority of said commissioners may form a quorum to do business.

Sec. 4. Be it further enacted, That the said commissioners shall, so soon as practicable, provide a house at the said place fixed upon for said county seat, for a temporary court house; and until such house shall be provided, said commissioners shall point out where courts shall be held; and that this act take effect from and after its passage.

Approved, 11th May, A. D. 1846.

AN ACT

To require the Deputy Surveyors of the several new Counties to procure Maps of all the surveyed Lands laying in their respective Counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That deputy surveyors of the several new counties in this State, shall procure

from the district surveyor of their respective district, or make out the same, a map of all the surveyed lands situated in the new county to which such deputy may be assigned, which shall be kept in the office of such deputy, at the county site for the inspection of all persons interested.

Sec. 2. Be it further enacted, That all surveys made by a deputy surveyor, in a new county, after being examined and placed upon the map of the district, shall be placed by the deputy upon his county map.

Approved, 11th May, A. D. 1846.

AN ACT

To organize the District Courts and to define their powers and jurisdiction.

Governor to
nominate
judges.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor shall nominate, and by and with the advice and consent of the senate, appoint one judge for each judicial district, who shall be commissioned by the Governor, and shall reside in some one of the counties of which his district is composed, and shall hold courts in each county at the court house, or such other place as may be designated by law, at such times and in such manner as may be prescribed.

District
judges
conservators
of the peace.

Sec. 2. Be it further enacted, That the judges of the district courts shall by virtue of their offices, be conservators of the peace, throughout the State, and the district courts shall have original jurisdiction of all criminal cases, of all suits in behalf of the State, to recover penalties, forfeitures and escheats, and of all suits against the State, which are or may be allowed by law, and shall have power to hear and determine all prosecutions in the name of the State, by indictment, information or presentment for treason, murder or other felonies, crimes and misdemeanors, committed within their

Jurisdiction of
district courts

respective jurisdictions, except such as may be exclusively cognizable before justices of the peace or other courts of the State, and shall, in criminal cases, have and exercise all the powers incident and belonging to courts of oyer and terminer, and general jail delivery; also of all suits for the recovery of land, of all cases of divorce and alimony, and of all suits, complaints and pleas whatever, without regard to any distinction whatever between law and equity, when the matter in controversy shall be valued at or amount to one hundred dollars or more, exclusive of interest, and generally to do and perform all other acts pertaining to courts of general jurisdiction.

Sec. 3. Be it further enacted, That the district courts shall have and exercise appellate jurisdiction and general control over such inferior tribunals as have been or may be established in each county, for appointing guardians, granting letters testamentary, and of administration for settling the accounts of executors, administrators and guardians, and for the transaction of business appertaining to estates and original jurisdiction in probate matters, only in cases where the judge or clerk of probate is interested. Appellate jurisdiction.

Sec. 4. Be it further enacted, That the judges of the district courts, and each of them, either in vacation or term time, shall have authority to grant on petition to them therefor, writs of habeas corpus, mandamus, injunction, sequestration, error and supercedeas, and all other remedial writs, known to the law, returnable according to law: provided, That no mandamus shall be granted on an ex parte hearing, and any peremptory mandamus granted without notice, shall be deemed void: And further provided, that all writs of mandamus, sued out against the heads of any of the departments or bureaux of government, shall be returnable before the district court of the county in which the seat of government may be. Judge may grant remedial writs in vacation.

Sec. 5. Be it further enacted, That the said courts shall have power to hear and determine all motions, three days notice being given to the adverse party, against sheriffs, coroners, or other Motions against sheriffs, &c.

officers, for money received under execution or other process or order of court, which shall not have been paid to the party entitled to the same, his agent or attorney, on demand, or for other defalcation of duty, and also all motions against attornies and counsellors at law, and give judgment and order execution, according to the laws in such cases made and provided.

Fine for con-
tempt.

Sec. 6. Be it further enacted, That said courts shall have power to impose a fine, not exceeding one hundred dollars, for contempt of court, and may, in their discretion, imprison any person guilty of contempt, not exceeding three days.

Judges may
grant orders
for relief.

Sec. 7. Be it further enacted, That the district judges, when the appropriate relief is prayed for, may grant all such orders, writs or other process necessary to obtain such relief, and may also, so frame the judgments of the court as to afford all the relief which may be required by the nature of the case, and which is granted by courts of law or equity.

Seal.

Sec. 8. Be it further enacted, That the district courts of each county of this State, shall have a seal, with a star of five points in the centre, and the words "District Court of ——— County, Texas," engraved thereon, an impression of which seal shall be attached to all writs and other process, (except subpoenas,) issuing from said court, and shall be used in the authentication of all official acts of the clerk: said seal shall be procured by the county court of the county, and until procured, the seals heretofore in use, or private seals may be used.

Sheriff may
adjourn court
from day to
day.

Sec. 9. Be it further enacted, That should the judge of any district court not appear at the time appointed for holding the same, the sheriff of the county, or in his absence, or in case of vacancy in that office, the coroner shall adjourn the court from day to day for three days, and if the judge should not appear on the morning of the fourth day, then he shall adjourn the court until the next court in course.

Days appoint- Sec. 10. Be it further enacted, That the judges of the district courts in their respective districts

shall set apart particular days, not earlier than the third day of each term, for the trial of criminal cases. ed for trials of criminals.

Sec. 11. Be it further enacted, That the judges, in any case, civil or criminal, in which a party may swear that he is too poor to employ counsel, shall appoint counsel for such party, who shall attend to the cause in behalf of such party without any fee or reward.

Sec. 12. Be it further enacted, That the records of the respective courts for each preceding day of the session, shall be read in open court on the morning of the succeeding day, except on the last day of the term, on which day they shall be read and signed by the judge presiding, in open court. Records shall be read daily

Sec. 13. Be it further enacted, That when in the record of any judgment or decree of any court there shall be any mistake, the judge of said court may in open court amend such judgment or decree according to the truth and justice of the case, but in all cases the opposite party shall have notice of the application for such amendment. Judge may amend error in record.

Sec. 14. Be it further enacted, That the district courts may order a change of venue for the trial of any suit, civil or criminal, under the rules and regulations prescribed by law. Change of venue.

Sec. 15. Be it further enacted, That when any judge of the district court may be interested in causes pending in his district, or where any of the parties may be connected with him by consanguinity or affinity within the third degree, or when the judge has been of counsel in the causes, he may exchange districts with any judge who is not subject to like disabilities; any judge may hold courts with any other district judge, and exchange of districts may be made whenever the judges exchanging may deem expedient. Judges interested in a case.

Sec. 16. Be it further enacted, That when any judge is disqualified, the parties may, by consent, choose and appoint some other person to try the cause, and the acts and decisions of such person so appointed, shall be as valid as if done by the judge. The judge disqualified, parties may choose another.

Sec. 17. Be it further enacted, That it shall be the duty of the judges of each court to cause the Judgments, &c. to be car-

ried into execution.

judgments, sentences and decrees of the court to be carried into execution agreeably to law.

Clerks elected may be removed on indictment.

Sec. 18. Be it further enacted, That there shall be a clerk of the district court for each county, who shall be elected by the qualified electors for members of the Legislature, and shall hold his office for four years and until his successor is qualified; but every clerk who is guilty of any nonfeasance, malfeasance, corruption or partiality in his office, shall on indictment by a grand jury before the district court of the county, and conviction by a petit jury, be removed from office.

Court appoint clerk in vacancy.

Sec. 19. Be it further enacted, That in case of vacancy the district court shall appoint a clerk, who shall hold the office until the next regular election for county officers, and until his successor is qualified, and if from any cause the clerk of the court and his deputies shall be absent or unable, or unwilling to perform the duties of clerk at a term thereof, the court may appoint a temporary clerk by an order to that effect, and any appointment made under this section, shall be recorded in the office of the clerk of the county court.

Clerks to give bond.

Sec. 20. Be it further enacted, That the clerks of the district courts shall give bond with security to be approved by the county court, payable to the Governor of the State of Texas and his successors in office, in the sum of five thousand dollars for the safe keeping of the records, and the faithful discharge of the duties of his office, and shall also take and subscribe the oath of office required by the constitution, which shall be endorsed on his bond, and the bond and affidavit so taken and approved shall be filed and recorded in the office of the clerk of the county court, a certified copy of which bond may be put in suit, in the name of the Governor of the State, for the use of the party or parties injured, and shall not become void on the recovery of part of the penalty thereof, but shall be deemed to extend to the faithful discharge of the duties of his office, and may be sued on from time to time by the party or parties injured, until the whole amount of the penalty is recovered.

Sec. 21. Be it further enacted, That each clerk

elected or appointed, shall have power to appoint one or more deputies, by a written appointment, under his hand and seal of the court, which shall be filed and recorded in the office of the clerk of the county court.

Clerk may appoint deputies.

Sec. 22. Be it further enacted, That the clerk shall have the custody of all the minutes, records, books, papers and seals now deposited, or that may hereafter be deposited in their respective offices, and it shall be their duty carefully to attend to the arrangements and preservation of the same, and the court shall order the procurement of the necessary presses, cases, and office furniture, books and stationery and seal, at the expense of the respective counties.

Clerk shall have custody of all papers, &c. &c.

Sec. 23. Be it further enacted, That clerks elected or appointed and their deputies, shall have power to administer oaths in all cases required in the discharge of the duties of their office.

May administer oaths.

Sec. 24. Be it further enacted, That it shall be the duty of the clerks of the district courts to keep a fair record of all acts done, and proceedings had in their respective courts, to enter all judgments of the court under the direction of the judge, and also of executions issued, and returns thereon made in the record books furnished for those purposes.

Clerk to keep record.

Sec. 25. Be it further enacted, That the clerks of the district court, at the expiration of each term, shall make out a statement of all fines imposed, penalties and forfeitures incurred, and judgments rendered at such court, in behalf of the State, and to report the same to the comptroller of public accounts.

Shall make statement of fines, &c.

Sec. 26. Be it further enacted, That all records of judgments and all proceedings in suits, heretofore had in the district courts of the Republic of Texas, shall be transferred to the district courts of the State, organized under this act, and the same proceedings may be had thereon as if the said records had been made, and the said suits been commenced in the district courts of the State.

Records, &c., of former courts transferred.

Sec. 27. Be it further enacted, That all records of judgments in the county courts of the Republic of Texas, made and entered previous to the first

Records of county courts of Republic transferred.

day of February, 1839, and all papers and proceedings in relation to such judgments, shall be transferred to the district courts of the same county, organized under this act, where the same has not already been done, and the same proceedings shall be had thereon in the district courts as could be, if such judgments had been rendered in such district court.

Approved, 11th May, A. D. 1846.

AN ACT

Defining the duties of the Attorney General of the State of Texas.

Prosecute and defend all actions in supreme court.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of the attorney general, to prosecute and defend all actions in the supreme court of the State, in which the State may be interested, and also to perform such other duties as may be prescribed by the constitution and laws of the State.

Sec. 2. Be it further enacted, That if any attorney general shall fail, from any cause, to attend said court at any of its sessions, his salary shall be liable to such deduction as may be prescribed by law.

Shall advise district attorneys.

Sec. 3. Be it further enacted, That the attorney general shall counsel and advise the several district attorneys in the State, in the prosecution and defence of all actions in the district courts, wherein the State is interested, whenever requested by them so to do; and it shall be the duty of the attorney general to appear and defend the interests of the State, in any suits now pending, or which may be hereafter instituted in the district court, by empresarios for the settlement of their claims.

Sec. 4. Be it further enacted, That it shall be the duty of the attorney general to report to the Governor, on the first Monday of December, annually, and at such other times as he may require, the number of indictments which have been found by grand juries in this State for the preceding year, the offences charged therein, the number of arraignments, convictions and acquittals for each offence, the number of indictments which have been disposed of without the intervention of a petit jury, with the cause and manner of such disposition, and also a summary of the judgments rendered on conviction, specifying the offence, the nature and amount of penalties imposed, and the amount of fines collected.

Shall report to the Governor the number of indictments, &c.

Sec. 5. Be it further enacted, That he shall require the several district attorneys to communicate to him, semi-annually, at the close of the courts of their respective districts, in such form as he may prescribe, all the information necessary for his compliance with the requisitions of the fourth section.

District attorneys shall report to attorney general.

Sec. 6. Be it further enacted, That he shall transmit to the proper district attorneys, with such instructions as he may deem necessary, all certified accounts, bonds or other demands which may have been delivered to him by the comptroller of public accounts for prosecution and suit.

Shall remit bonds, &c., to district attorneys.

Sec. 7. Be it further enacted, That he shall require the several district attorneys to report to him semi-annually, at the close of the courts of their respective districts, in such form as he may prescribe, precise information of the situation of all suits instituted by them for the collection of public money.

District attorneys to report all matters to attorney general.

Sec. 8. Be it further enacted, That he shall report to the comptroller of public accounts annually, on the last day of October, and at such other times as the comptroller may require, a full and correct statement of the situation of all suits instituted for the collection of public money.

Attorney general to report to comptroller.

Sec. 9. Be it further enacted, That the attorney

Shall give
written opin-
ions to Gov-
ernor, &c.

general shall, at the request of the Governor, secretary of State, comptroller of public accounts, State treasurer, assessor or collector of taxes, or treasurer of any county, give an opinion in writing, in all cases touching the public interest, or concerning the revenue or expenses of the State.

Shall prepare
forms of con-
tracts for
comptroller.

Sec. 10. Be it further enacted, That he shall, whenever requested by the comptroller of public accounts, prepare proper forms for contracts, obligations and other instruments which may be wanted for the use of the State.

Shall pay into
the treasury
all monies re-
ceived

Sec. 11. Be it further enacted, That all money received by the attorney general for debts due, or penalties forfeited to the State, shall be paid by him into the treasury, immediately after the receipt thereof.

Shall keep a
register of his
acts and opin-
ions.

Sec. 12. Be it further enacted, That the attorney general shall keep in proper books, to be provided for that purpose, at the expense of the State, a register of all his official acts and opinions, of all actions and demands, prosecuted or defended by him or any district attorney, in which any portion of the revenue of the State is involved, and of all proceedings had in relation thereto, and shall deliver the same to his successor in office.

Shall bring
suit against
colony con-
tractors.

Sec. 13. Be it further enacted, That it shall be the duty of the attorney general of this State to file the petition or information, and institute legal proceedings against all colony contractors who have entered into contracts with any President of the Republic of Texas, which proceedings may be commenced in any district court, for any county where the whole or any portion of territory embraced in any colony may be situate.

Admission or
waiver by the
attorney gen-
eral will not
prejudice the
State.

Sec. 14. Be it further enacted, That no admission, agreement or waiver, made by the attorney general, in any action or suit in which the Republic of Texas or the State is a party, shall prejudice the rights of the State.

Shall reside at
seat of gov-
ernment.

Sec. 15. Be it further enacted, That the attorney general shall reside at and keep his office at the seat of government.

Sec. 16. Be it further enacted, That all laws and parts of laws contrary to or in conflict with this act, are hereby repealed, and that this act take effect from and after its passage.

Approved, 11th May, A. D. 1846.

AN ACT

Regulating Elections.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county courts in each county shall, at their first regular session after this act takes effect, and thereafter at their first regular session in each year, if they deem necessary, designate such places, not more than one in each justice's precinct, for holding elections, as may be most suitable and convenient for the people, which places, so designated, shall be numbered and called election precincts; and they shall also, at the same time, select and appoint from among the residents at or near each election precinct, some suitable person to be the presiding officer at such precinct, in all elections which may be held thereat during the year in which he may be appointed.

Presiding officers and election precincts appointed by the county court.

Sec. 2. Be it further enacted, That forms for notices, writs and returns of elections, as furnished by the secretary of State to the chief justice of each county, shall be preserved in the office of the county clerk.

Forms to be preserved.

Sec. 3. Be it further enacted, That the chief justices of the several counties, or in case of vacancy in that office, or any inability of the chief justice to act, then any two of the county commissioners shall order all elections in their respective counties.

Elections to be ordered by chief justices, &c.

Sec. 4. Be it further enacted, That whenever an

Ten days notice of elections to be given.

election may be ordered, except in cases of vacancy in the legislature, at least ten days notice of the election shall be given by the officer ordering it, by notices posted up at each election precinct, or by publication in some newspaper, if one be published in the county, specifying the time and places at which such election is to be held, and the officer or officers to be chosen; in cases of election to fill vacancies in the legislature, like notices of not more than ten nor less than five days shall be given immediately upon the receipt of the Governor's proclamation therefor.

Vacancies in county offices to be filled immediately.

Sec. 5. Be it further enacted, That in all cases of vacancy in any civil office of the county which by law is filled by election of the people, the officer or officers authorized by this act to order elections, shall immediately make such order for an election to fill the vacancy, by giving like notice and issuing writs as prescribed for regular elections.

Writs of election to issue.

Sec. 6. Be it further enacted, That it shall be the duty of the officer ordering an election, to issue writs of election to the several presiding officers who may have been previously appointed as herein directed, or in case of the death, removal, or other inability of any presiding officer, then to some other suitable person resident at or near the precinct, whom he may select as presiding officer in place of the one disabled to act, in which writs shall be stated, particularly, the officer or officers to be chosen, and the day of election, and he shall also send with the writ a copy of the form of election returns furnished by the secretary of State.

Judges to be selected.

Sec. 7. Be it further enacted, That the presiding officer of each precinct shall, on or before the day of election, select two judges and two clerks who, together with the presiding officer, shall be the managers of the election; and he shall administer to each of them an oath, before entering on the duties of their office, that they will well and truly conduct the election, without partiality or prejudice and agreeably to law, according to the

best of their skill and understanding; and the presiding officer shall be also sworn by a justice, if one be present, if not, by one of the judges.

Sec. 8. Be it further enacted, That in case the presiding officer appointed, as herein before provided should fail to attend on the day of election, or should refuse to act, it shall be lawful for the electors present at the precinct on that day to appoint a presiding officer to act at that election, and the person so appointed shall be authorized to act as presiding officer as fully as if appointed by the court or officer ordering the election, and shall be qualified in the same manner: Provided, that in such cases the managers shall certify, in their returns, that the presiding officer failed to attend, or refused to act, and that the person acting as such, was duly chosen by the electors present.

Electors may appoint a presiding officer.

Sec. 9. Be it further enacted, That electors, in all cases, shall be privileged from arrest during their attendance at elections, and in going to and returning from the same, allowing one day for every twenty miles they may necessarily travel, exclusive of the day of election, except in cases of treason, felony or breach of the peace, and service of all other process for any other cause against any elector, executed during such privilege, shall be void.

Electors privileged from arrest.

Sec. 10. Be it further enacted, That the polls shall not be opened before nine o'clock, A. M., nor finally close before four o'clock, P. M., and not more than one adjournment shall be had during the day, which shall not exceed one hour.

Polls open at 9. A. M., and close at 4, P. M.

Sec. 11. Be it further enacted, That on opening the polls, the presiding officer shall deliver to each of the clerks a poll book or register, and they, by ruling lines thereon, shall make one column for the names of electors, and as many more as there are candidates to be voted for, and shall enter the name of each candidate in a distinct column, at the head thereof.

Poll books required.

Sec. 12. Be it further enacted, That when a per-

Mode of vot-
ing, viva voce.

son offers to vote, if a majority of the managers are satisfied of his right to vote, and no objection is made. the presiding officer or one of the judges, before polling it, shall ask him for what officer and candidate he wishes to vote, and upon his answering, shall direct the name of the elector to be entered and his vote polled according to the answers given.

Objections to
voters, how
taken, &c.

Sec. 13. Be it further enacted, That no objection shall be received to the right of any person to vote after he announces for whom he offers to vote, but when objection is made in due time, or should the managers, or a majority of them, not be satisfied of the right of any one offering to vote, the presiding officer, or one of the judges, shall require him to take an oath that he will true answers give to such questions as may be asked him by them, touching his qualifications, which oath the presiding officer, or one of the judges, may administer; and if any person so objected to shall refuse to be sworn, or if he be sworn and fail to establish his right, to the satisfaction of the managers, his name and vote shall nevertheless be entered and polled for the candidate for whom he offers to vote in a separate poll book or register, but shall not be counted in the result unless in case of a contest, or on further enquiry the right of the voter be justified and established.

Mode of enter-
ing votes.

Sec. 14. Be it further enacted, That when any vote is ordered to be polled, by the managers, each clerk shall enter the name of the elector in the column for electors names, numbering each name as entered on the left of the same, and shall also enter a mark opposite the name of the elector in the column of the candidate for whom he voted, under the name of such candidate.

No person to
vote but once
at same elec-
tion.

Sec. 15. Be it further enacted. That no person shall be allowed to vote more than once at any one election for any officer or officers, and if any person shall violate this prohibition he shall be liable to prosecution by information or indictment

in the district court of the county in which he may so offend, and upon conviction shall forfeit and pay, or be fined for every such offence, not less than ten nor more than fifty dollars, one-half to the use of the informer and the other half to the county treasury.

Sec. 16. Be it further enacted, That immediately after closing the polls, the managers of the election shall proceed to ascertain the result, by summing up the votes given, and make out a correct return, by adding a recapitulation of the result for each candidate at the end of the poll books or registers, both of which shall be signed by the managers; one of them shall be sealed up and endorsed across the seals by the presiding officer, and addressed to the officer ordering the election, and shall be sent and delivered to him by one of the managers on oath, within ten days after the day of election; the other poll book or register shall be preserved by the presiding officer.

Counting
votes and
making re-
turns.

Sec. 17. Be it further enacted, That if any manager to whom election returns shall have been entrusted, fails or refuses to deliver the same on oath to the chief justice, or other officer ordering the election, within ten days from the day of election, such person so offending shall be liable to prosecution, by information or indictment, in the district court of the county in which he so offends, and on conviction shall forfeit and pay, or be fined, in a sum not less than fifty, nor more than five hundred dollars, one-half to the use of the informer and the remainder to the county treasury.

Manager fail-
ing to make
return.

Sec. 18. Be it further enacted, That the election returns shall not be opened by the officer to whom they are returned before return day, or tenth day, and exclusive of the day of election; at the expiration of that time he shall open and estimate the result, recording the state of the polls at each precinct, in a book to be kept by him for that purpose; and after making such estimate, he shall deliver to the candidate or candidates for whom the greatest number of votes have been

Mode of open-
ing returns.

polled, a certificate of election, naming therein the office to which he has been elected, the number of votes polled for him, and the day on which the election was held, and shall sign the same, and cause the seal of the county court to be thereon impressed; and shall also make returns of the result of the election for members of the legislature to the secretary of State.

Returns of
election for
senators, how
made.

Sec. 19. Be it further enacted, That when an election has been held for senators in the legislature, in a district composed of more counties than one, the chief justice, or other officer to whom returns in each county may be made, and who is not authorized to give certificates of election to senators, shall make out and send complete returns of the senatorial elections in their respective counties, immediately after examining and recording the same, to the chief justice of the county who is so authorized, which returns shall be sealed up, the name of the officer forwarding them written across the seals, and the packet marked on the outside as containing the returns of the election specified, and it may be sent by mail; the chief justice to whom the returns are so forwarded shall, upon the twentieth day after the election, which shall be the return day for senatorial elections in the districts aforesaid, open and examine said returns, and after estimating the result and recording the same, give a certificate of election to the candidate for whom the greatest number of votes have been cast.

In case of a
tie, election to
be null.

Sec. 20. Be it further enacted, That whenever it so happens in an election for an officer, that there is a tie between two or more candidates, the officer to whom the returns are made, shall declare such election null, and immediately order a new election for that office, giving not less than five days notice thereof.

Notice of an
intention to
contest to be
given within
ten days.

Sec. 21. Be it further enacted, That any person intending to contest the election of any one holding a certificate of election, shall, within ten days after the return day, give him notice

thereof in writing, and shall deliver or cause to be delivered, at the same time, a list of those persons to whose votes he objects, stating his objections opposite the names of voters, and setting forth, in a written statement, with the notice, any other causes of objection to the legality of the election, or the ineligibility of the person elect, upon which he may rely to sustain the contest, and the person elect as aforesaid, shall, within ten days after receiving such notice, deliver or cause to be delivered, like lists of the names of voters to whom he objects, and reply to the statement of the contestor.

Sec. 22. Be it further enacted, That the notices and written lists and statements provided for in the foregoing section, shall be served on the opposite party in person, if he can be found; if not, then by leaving the same at his usual place of abode or business.

Notice to be served on the person.

Sec. 23. Be it further enacted, That if the contest be for the trial of the validity of an election for any county officer, a copy of the notices and other papers served on the parties, shall be filed with the clerk of the county court, and as soon as convenient, the county court shall convene in special session for the trial of the contest, notice of the time of meeting having been given to the parties, and if on trial, any votes be found to be illegal, the court shall subtract such votes from the poll of the candidate for whom they were given, and shall also hear and consider the evidence given by the parties, for and against the grounds assumed by them, on their written statements, and no other; and after full and fair investigation, they shall decide to whom the office belongs, or set the election aside and order a new one, as the case may require.

County court shall try contests and decide.

Sec. 24. Be it further enacted, That if the contest be for the trial of the validity of an election for members of the Legislature, a copy of the notices and other papers served on the parties, as required in the twenty-first and twenty-second

In contests of elections for members of the legislature returns to be made to next legislature.

sections of this act, shall, within ten days after the service thereof, be filed with the chief justice, or officer to whom the returns are made, and he shall envelope the same, together with a copy of the poll book or register of each precinct or county returned to him, and seal the same, writing his name across the seals, and shall address the packet to the speaker of the house of representatives or president of the senate, as the case may be, and shall forward the same by mail to the seat of government, so as to reach there before the convening of the Legislature, if possible.

**Commissions
for taking tes-
timony, &c.**

Sec. 25. Be it further enacted, That in the cases provided for in the preceding section, so soon as the notice and other papers are filed, either party may apply to the clerk of the county court for a commission to be directed to some notary public or two justices of the peace, to act as commissioners in taking testimony by deposition, touching the pending contest. Of the time and place of taking the testimony, both parties shall be notified by the commissioner; no witness shall be examined without such notice, except in the presence of the parties or their attorneys, and the examination shall be conducted according to the rules of evidence. Not more than fifteen days from the issuance of the commission, shall be allowed to take testimony, and at the expiration of that time the commissioner shall return the testimony written in a fair hand, and signed by the several witnesses and himself, to the clerk of the county court, who shall seal the same and address and send them by mail to the speaker of the house of representatives, or president of the senate, as the case may be, endorsing on the outside what it contains.

**Punishment
for partiality
of officers of
elections.**

Sec. 26. Be it further enacted, That if any officer conducting an election, or to whom any duty in relation thereto is assigned by law, shall directly or indirectly so interfere in the election as to show undue partiality or use undue influence in the execution of his office for any of the candi-

dates, he shall be liable to prosecution by information or indictment in the district court, and on conviction shall forfeit and pay, or be fined in a sum not less than one hundred, nor more than six hundred dollars, one-half to the use of the informer, and the other to the county, and moreover shall be deprived of the right of again filling any such office.

Sec. 27. Be it further enacted, That any person being a candidate, who shall directly or indirectly offer, give, or agree to give any elector or pretended elector, money or other reward, in order to be elected, or for having been elected, if he was a candidate for the legislature, shall on due proof thereof to the house for which he was a candidate, be expelled, and be disabled to be elected for two years; and if for a county office, shall on conviction thereof, on indictment before the district court, be fined in a sum not less than one hundred nor more than five hundred dollars, or be removed from office, at the discretion of the jury.

Bribing voters.

Sec. 28: Be it further enacted, That any person whatever, who shall in any election, use or attempt to use any undue influence thereon, by threat, direct or indirect, by exciting or raising any tumult at any election, shall be liable to prosecution by information or indictment in the district court, and on conviction shall be fined in a sum not less than twenty nor more than five hundred dollars, or be imprisoned for not more than six months, at the discretion of the jury trying the case.

Raising tumult at elections.

Sec. 29. Be it further enacted, That in all cases when a county is not organized, and there is no officer in the same authorized by law to organize such county, the chief justice of the nearest county which is organized, may order elections for county officers in any such disorganized county, and appoint the presiding officers and managers and clerks of election as prescribed by law in other cases.

Cases of counties not organized.

Previous laws
repealed.

Sec. 30. Be it further enacted, That all laws and parts of laws coming within the purview of this act, passed before the present session of the legislature, be and they are hereby repealed; and that this act shall take effect and be in force from and after the first day of June next.

Approved, 11th May, A. D. 1846.

AN ACT

To incorporate the Colorado and Wilson Creek Rail Road Company.

Section 1. Be it enacted by the Legislature of the State of Texas, That Charles L. Bolton, of the county of Colorado, and John Duncan of the county of Matagorda, their associates and successors be, and they are hereby constituted and declared to be a body politic and corporate, under the name and style of the Colorado and Wilson Creek Rail Road Company.

Sec. 2. Be it further enacted, That the said persons, their associates and successors, under the name and style aforesaid, shall be a person in law capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts whatsoever in this State, and may have a common seal and be allowed to alter the same at pleasure.

Sec. 3. Be it further enacted, That the said persons, their associates and successors, under the name and style aforesaid, shall have the right of constructing a rail road from the head of the raft on the Colorado river to some eligible point on Wilson's creek, with the consent of the owners of the soil through or over which said road may pass, to purchase and hold property, real, personal and mixed, so far as necessary for

the construction of such rail road, and making depots at each end of the same, not to exceed fifty acres of land at any one point, to build or construct all bridges or other works which may be necessary for the construction of said road, and generally to do and perform all other acts that may be necessary and not contrary to the constitution and laws of this State.

Sec. 4. Be it further enacted, That said corporation may enact such by-laws and rules for the management of their affairs as are consistent with the constitution and laws of the State: they shall have power to elect an agent, whose name shall be made known to the public, and by whom the business of the company may be conducted.

Sec. 5. Be it further enacted, That the said corporation shall have the right to charge five cents per mile for passengers, and no more, and shall have the right to charge not exceeding one and a half cents per hundred weight for freight for every mile, or over, that the same may be transported on said road.

Sec. 6. Be it further enacted, That said railroad shall be completed within five years from the passage of this act, or this charter shall be void.

Sec. 7. Be it further enacted, That this act shall take effect from and after its passage.

Approved, 11th May, A. D. 1846.

AN ACT

Ceding to the United States jurisdiction over all Forts and Arsenals within this State.

Sec. 1. Be it enacted by the Legislature of the State of Texas, That the jurisdiction of the United States within and over all forts and arsenals

that may be established and erected by the United States government within this State, shall be and the same is hereby ceded to the United States; Provided, that nothing in this act shall be so construed as to prevent all process, civil and criminal, issuing under and by authority of this State, from being executed within the limits of the territory hereby ceded.

Sec. 2. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, 11th May, A. D. 1846.

AN ACT

Prescribing the manner in which Stock Certificates of the Consolidated Funded Debt of the Republic of Texas shall be transferred.

Section 1. Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act, all stock certificates which may have issued in pursuance of an act entitled an act to authorize the consolidation and funding of the public debt, approved June 7th, 1837, may be hereafter transferred by the owner or assignee, or their agent or attorney of any such certificate, upon the books of the comptroller of public accounts, and not otherwise; Provided, however, that no person indebted to the Republic or State of Texas, whether the original owner or assignee or assignees, of any such certificate, shall be permitted to transfer the same until first settling and liquidating his or their accounts and indebtedness with the government.

Sec. 2. Be it further enacted, That all laws and parts of laws contrary to and conflicting with this act, be, and the same are hereby repealed.

Approved, 11th May, A. D. 1846.

AN ACT

To establish a State Penitentiary.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor be, and he is hereby authorized and required, to appoint, by and with the advice and consent of the Senate, one or more, not exceeding three competent persons as commissioners, whose duty it shall be to select a proper site whereon to erect a State penitentiary, having regard to health, materials for building, the importation of machinery tools, materials to be wrought or manufactured, and for the transportation of articles made or manufactured by the convicts, to a market for the same.

Governor to
appoint com-
missioners to
select site.

Sec. 2. Be it further enacted, That the commissioners shall procure by purchase or otherwise, land not exceeding one hundred acres, to include the site selected, provided the land shall not cost the State more than five dollars per acre; and they are authorized to pay a fair value, with the consent of the Governor, for any water power adjacent to and connected with the site of the penitentiary.

Commission-
ers to procure
land for peni-
tentiary.

Sec. 3. Be it further enacted, That the commissioners shall report their proceedings to the Governor within sixty days after receiving notice of their appointment, together with the title deed for the land herein required to be procured, after having the same recorded in the recorder's office in the county wherein the land lies, which deed shall be recorded and filed in the office of the secretary of state. The commissioners so appointed, shall receive as compensation three dollars per day each for the time they shall be actually employed in selecting a site and making their report as herein required.

Commission-
ers to report
to Governor.

Sec. 4. Be it further enacted, That the Gover-

Governor to
appoint superintendent.

nor, upon the receipt of the report of the commissioners as above prescribed, shall appoint a suitable person as superintendent, who shall be a master builder or skillful mechanic, whose duty it shall be to submit a plan of the penitentiary to the Governor, which plan if approved by him, shall be deposited in the office of the secretary of state, and the superintendent shall be directed by the Governor to prepare for the commencement of the work so soon as any convict or convicts shall be delivered into his custody; he shall employ, under the direction of the Governor, a sufficient number of overseers and guards for the safe keeping of convicts.

Convicts to be
employed in
building.

Sec. 5. Be it further enacted, That it shall be the duty of the superintendent, under the direction of the Governor, to employ the convicts committed to his charge in the erection of a State penitentiary, to be built of substantial materials, and upon the plan approved by the Governor, and to enclose the said building in a securely walled yard of sufficient dimensions to allow room for the erection of work shops and the employment of convicts who shall be there confined at any kind of useful labor which may be deemed most profitable and useful to the State. He shall procure or cause to be erected, cells for the solitary confinement of the convicts at night, and at such other times as the superintendent and directors may direct. He shall make an annual estimate at the commencement of each year of all materials necessary for the carrying on the business in the various departments and submit the same to the directors.

Governor to
appoint three
directors.

Their duties.

Sec. 6. Be it further enacted, That the Governor shall appoint three discreet persons as directors, any two of whom shall constitute a board to transact business. The board of directors shall make such rules and by-laws as may be necessary for the government of the penitentiary and punishment of refractory prisoners therein confined; Provided, that no cruel or unusual punish-

ment shall be inflicted. They shall cause the rules and by-laws to be printed and put in some conspicuous place in the prison. They shall prescribe the uniform to be worn by the convicts, which shall be comfortable, but of coarse materials, and the provisions that shall be furnished them, which shall be in sufficient quantity and of common but wholesome quality. Under the direction of the Governor, they shall employ a suitable person to furnish the convicts with suitable food and clothing. They shall visit the penitentiary at least once in every month, see that the convicts are humanely treated, and sufficiently clothed and fed. They shall enquire into any cruel treatment or improper conduct alleged against the superintendent, overseers and guards, and if they discover any grievance or cause of grievance, they shall see that the same is remedied, for which purpose they shall have power to discharge any overseer or guard from their employment about the penitentiary. In case of improper conduct in the superintendent, they shall report the same to the Governor, for which purpose they shall have power to call before them witnesses, administer oaths, &c. They shall cause a distinction to be made in the treatment of the convicts, by extending to such as prove orderly, obedient and industrious, certain comforts and privileges according to their merit; Provided, such privileges shall not conflict with the provisions of this act, or endanger the custody of the convict. They shall report annually to the Governor, or oftener if he require it, a comprehensive view of the government, discipline and transactions of the penitentiary during the preceding year, which report shall particularly set forth the number of convicts confined in the penitentiary, the age, sex, and place of nativity of each, their term of imprisonment, the offences for which they were committed, from what county they were sent, the number of convicts that have died, escaped, have been dis-

No cruel punishments to be inflicted on convicts, &c. &c.

Directors may discharge overseers.

May report superintendent, &c.

Directors shall report to the Governor the condition, &c. &c. of the penitentiary.

charged by expiration of their term, or pardoned during the preceding year, the various branches of business in which they have been employed, and the number employed in each branch, with an accurate account of articles manufactured and for sale, the articles that have been sold, and the amount of the sales, the cost of materials, and the materials then on hand; which report, together with the report of the superintendent, shall by the Governor be laid before the legislature at each session thereof, within ten days after their organization. If the work to be done is of such a nature as to require previous instruction in its performance, proper persons for that purpose may be employed, to whom a suitable allowance shall be made by order of the board of directors. They shall direct the manner in which materials to be used by the convicts shall be purchased; but it shall in no case be lawful for any director, superintendent or overseer of the penitentiary to purchase supplies of any kind themselves, or be interested therein.

Governor to
appoint a phy-
sician.

Sec. 7. Be it further enacted, That the Governor shall appoint a physician whenever it may appear to him necessary to do so.

Superintend-
ent to take
care of con-
vict's clothing.

Sec. 8. Be it further enacted, That the superintendent shall cause the clothes of each convict when received into the penitentiary to be cleansed and carefully put away, labelled with his name, to be returned to him on his discharge, unless the convict shall prefer to have his clothes sold; in that event, the superintendent shall cause the same to be sold for the best price to be obtained, and the money retained, to be paid over to the convict when discharged.

Sec. 9. Be it further enacted, That every convict when received into the penitentiary, shall be carefully searched and deprived of any article by which an escape might be effected. The description of every convict when received into the penitentiary, shall be entered in a book to be kept for that purpose, in which shall be entered the

name, sex, age, height, colour of eyes and hair, place of nativity, previous occupation, time of conviction, nature of crime, and period of confinement.

Sec. 10. Be it further enacted, That it shall be the duty of the superintendent to take charge of all convicts which may be sentenced to the penitentiary, and to keep them employed at proper hours for labor, at such work as may be most beneficial to the State and suitable to their condition; and until the penitentiary shall be erected and ready for the reception of convicts, it shall be the duty of the superintendent to employ all the male convicts during working hours in chain gangs in getting out and preparing materials for the erection of the building.

Convicts to be kept employed.

Sec. 11. Be it further enacted, That all convicts committed to the penitentiary shall be conveyed thither by the sheriff of the county where the conviction was had, or his legally authorized deputy, at the expense of the State, for which purpose he shall be authorized to employ a guard not to exceed two persons.

Sheriff to convey convicts to penitentiary.

Sec. 12. Be it further enacted, That it shall be the duty of the clerk of the court in which any person shall be convicted and sentenced to the penitentiary, to furnish the sheriff with a certified abstract of the record, setting forth the name, age, and former occupation of the convict, and the term for which such convict was committed, which certificate shall be delivered to the superintendent, who shall receipt to the sheriff for the reception of the convict, which receipt he shall deliver to the clerk, and the clerk shall file the same with the verdict and sentence of the court in the case.

Clerk to certify record to sheriff in every case of conviction.

Sec. 13. Be it further enacted, That convicts of different sexes shall at all times be kept separate and apart.

Sexes to be kept separate.

Sec. 14. Be it further enacted, That the Governor shall have and exercise the removing and

appointing power herein, when the legislature is not in session, as in other cases.

'Superintendent's salary.

Sec. 15. Be it further enacted, That the superintendent of the penitentiary shall receive an annual salary of eight hundred dollars. The accounts of the officers and guards of the penitentiary shall be paid quarterly, upon the warrant of the comptroller of public accounts, out of the appropriation for the erection of a State penitentiary.

Approved, 11th May, A. D. 1846.

AN ACT

To amend the first section of an act approved 14th January, A. D. 1840, entitled, an act authorizing the issuing of Duplicate Land Warrants, Discharges and Certificates for Headright claims upon certain conditions.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person who may have lost any land warrant, discharge, certificate for a headright claim emanating from the government, or any special grant from the congress of the Republic of Texas, and entitling the holder to a bounty of land, shall be entitled to demand and receive a duplicate of the same, so lost, by complying with the provisions prescribed in the act above recited.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, 11th May, A. D. 1846.

AN ACT

Requiring the County of Titus to pay a portion of the Debt of the County of Red River.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county of Titus shall pay to the county of Red River such proportion of the debt due by said county of Red River as may be apportioned to Titus county by the county courts of their respective counties, and in the manner in which said courts may determine.

Sec. 2. Be it further enacted, That the chief justice and commissioners of Titus county shall meet the chief justice and commissioners of the county of Red River, in the town of Clarksville, in Red River county, on the first Monday in December next, and then and there apportion the debt between said counties.

Sec. 3. Be it further enacted, That the county of Titus shall receive credit on her proportion of debt by any certified claim against the county of Red River, which may be paid by the authorities of Titus county to the authorities of Red River county: Provided, that this act shall so take effect as to compel the citizens of that part of Titus county that was formerly a part of Bowie, to pay alone their proportionable part of that part of the debt of Red River county which was contracted while said territory was a portion of Red River county.

Sec. 4. Be it further enacted, That this act take effect from and after its passage.

Approved, 11th May, A. D. 1846.

AN ACT

Requiring the County of La Vaca to pay a portion of the debt of Colorado County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the chief justices of the counties of La Vaca and Colorado be and they are hereby required to meet at the court house in the town of Columbus, county of Colorado, on the first Monday in September, 1846, or as soon thereafter as practicable, and proceed to ascertain the entire debt due and owing by the county of Colorado at the time when the county of La Vaca was created, and when said debt shall be ascertained, the said chief justices shall proceed to make an apportionment thereof between the counties of Colorado and La Vaca, taking as their guide for said apportionment, the assessment made by the assessor of taxes for the Republic of Texas, in the county of Colorado, in the year 1845, and assigning to each of said counties its just proportion of said debts according to the number of taxable inhabitants and property which appear on said assessment roll; and the said chief justices shall cause to be made two fair copies of the statement of said debt and the apportionment thereof, which shall be made by them, one of each to be deposited in the clerk's office of their respective counties.

Sec. 2. Be it further enacted, That when said debt shall have been ascertained and apportioned, as aforesaid, it shall be the duty of the county court of La Vaca county to levy and collect a county tax upon all taxable inhabitants and property in that part of La Vaca county which was taken from the county of Colorado, which shall be sufficient to pay the portion of the debt of said county of Colorado which has been assigned to said county of La Vaca; said tax to be levied upon the same description of persons and property as are liable to assessment for State taxes; and in the collection of said

tax, all claims against the county of Colorado, which have been or may be audited by the county court of Colorado county, shall be received at par.

Sec. 3. Be it further enacted, That when said tax shall have been collected, as provided for in this act, it shall be the duty of the county court of La Vaca county to pay, or cause to be paid, the same over to the county treasurer of Colorado county.

Sec. 4. Be it further enacted, That the said chief justices, when assembled to carry into effect the provisions of this act, shall have power to adjourn from day to day until they shall have completed the duties required of them by this act, and they shall each receive for their services such sums as may be allowed them by the county court of Colorado county.

Sec. 5. Be it further enacted, That this act shall take effect and be in force from and after its passage.

Approved, 11th May, A. D. 1846.

AN ACT

To incorporate the La Grange Female Institute.

Section 1. Be it enacted by the Legislature of the State of Texas, That James S. Mayfield as President, and Charles Mullens, A. P. Manley, John W. McKissic, Wm. F. Hodge, James L. Lester, Warren J. Hill, Hiram Terrill, John Murchison, Thomas J. Rabb, John G. Chalmers, — Rhoda, R. E. B. Baylor, and James C. Eckles, are hereby constituted a body corporate and politic, under the name and style of the La Grange Female Institute, to be located in the town of La Grange, in Fayette county, capable of suing and being sued, pleading and being impleaded, of holding property real and personal at pleasure, and of doing and performing all things whatsoever, that they may deem bene-

ficial to said institution, not contrary to the laws and the constitution of this State.

Sec. 2. Be it further enacted, That this charter and privilege shall extend to the trustees appointed by this act, and their successors and associates in office, so long as they confine the benefits of the same to the promotion of education.

Sec. 3. Be it further enacted, That hereafter this body corporate shall be composed of twelve members, whose tenure of office shall be for life, unless they shall remove from the county, or unless removed by the board, for disgraceful conduct.

Sec. 4. Be it further enacted, That annually the board of trustees shall meet, at which meeting a majority of the trustees must be present and elect a president, a secretary and a treasurer, whose term of service shall be for one year: Provided, that should there be none of said officers elected at the time of their annual meeting, that it shall be competent for the old trustees to perform the functions of their offices until their successors are elected: And provided further, that it shall be competent for said board to fill vacancies at any time after they occur, and to elect new officers at any time after the expiration of the terms of the old officers.

Sec. 5. Be it further enacted, That the President of the board shall have power to call a special meeting of the trustees when he may deem it necessary, and should the necessity of the case demand it, two thirds of the board shall have power to meet and transact all the business which the board is competent to transact without, the President, by calling one of their number to the chair.

Sec. 6. Be it further enacted, That the President, together with five members of the board, shall be competent to transact all business which by this act this corporate body are allowed to perform; that they shall have power to pass all by-laws for the regulation of this institution, and for the government of the board, not inconsistent with the laws of this State and the provisions of this act; but they shall not have power to transfer or alienate any property belonging to the corporation.

unless by the consent of a majority of the whole board.

Sec. 7. Be it further enacted, That said academy shall be forever free from the control of any particular denomination of Christians, but shall be open for the use and benefit of all.

Sec. 8. Be it further enacted, That this act take effect from and after its passage.

Approved, 11th May, A. D. 1846.

AN ACT

Regulating the manner of running County Lines.

Section 1. Be it enacted by the Legislature of the State of Texas, That whenever it shall appear to the satisfaction of any county court, that the boundaries of the county are not sufficiently special and well ascertained, such court shall appoint some competent person to proceed and ascertain, survey and mark such line, and the court in the order making the said appointment, shall specify the line to be run, and the time when the same shall be run, and the place of commencement.

County court
to appoint
persons to as-
certain county
lines.

Sec. 2. Be it further enacted, That it shall be the duty of the court making such order, to cause a copy thereof to be presented to the county court of the adjoining county, or the county interested, at least ten days before the time appointed for the running and marking such line; whereupon, such court, on receiving a copy of such order, shall appoint a competent person resident in such county, to proceed at the time and place appointed and assist in running and marking such line.

Notice to be
given to ad-
joining
county.

Sec. 3. Be it further enacted, That the persons so appointed, shall proceed at the time and place appointed, to ascertain, survey and mark the line designated in such order, and make return thereof to the county court of their respective counties.

Sec. 4. Be it further enacted, That such person so appointed, shall return to the county court of his county, a map or plat of the line so run and marked.

One person
may act.

Sec. 5. Be it further enacted, That if either of the persons appointed to run and mark such line, shall fail to attend at the time and place appointed, the one in attendance shall proceed alone to perform the duties assigned him, and make his report to the county court, which being approved by such court, shall be recorded as evidence of the line in question, and the line so surveyed and marked, shall thereafter be regarded as the true line of the county.

Cost of run-
ning lines.

Sec. 6. Be it further enacted, That the expenses of running and marking any such line shall be divided and paid equally by the counties interested, and each person appointed to run and mark any such line, shall be allowed the sum of two dollars per mile for each mile run: Provided, in all instances, that any line run as above directed, shall be made in conformity with the existing laws creating and defining said county boundaries.

Approved, 12th May, A. D. 1846.

AN ACT

To establish a General Land Office for the State of Texas.

Office and
commissioner
of general land
office.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be established a general land office to be located at the seat of government of the State of Texas, the chief officer of which shall be styled the Commissioner of the General Land Office, whose duties it shall be to superintend, control and direct the official conduct of all subordinate officers of the general land office, and to execute and perform all acts and things touching or respecting the public land of the

State of Texas, or rights of individuals in relation thereto, as may be required of him by law.

Sec. 2. Be it further enacted, That the commissioner of the general land office shall be elected by the joint vote of both houses of the legislature, and shall hold his office for the term of two years from the date of his election.

Commissioner to be elected by the legislature.

Sec. 3. Be it further enacted, That the commissioner of the general land office shall appoint for the transaction of the business of the general land office, one chief clerk, one Spanish clerk, two draftsmen, and not more than eight assistant clerks. The said chief clerk and Spanish clerk, shall each be required to enter into bond with three or more securities, in the penal sum of twenty thousand dollars, for the faithful discharge of their official duties, payable to the Governor of the State of Texas and his successors in office, for the use of the State, which bond shall be approved by the Governor and filed in the office of the secretary of state.

Commissioner shall appoint clerks; and bonds required.

Sec. 4. Be it further enacted, That in case of the sickness, death or resignation of the commissioner of the general land office, it shall be lawful for the chief clerk to act and to perform all the duties required of the said commissioner of the general land office.

Chief clerk to act in disability of commissioner.

Sec. 5. Be it further enacted, That the commissioner of the general land office shall, before he enters upon the discharge of the duties of his office, enter into bond with three or more securities, in the sum of fifty thousand dollars, payable to the Governor of the State of Texas and his successors in office, for the use of the State, conditioned for the faithful discharge of his official duties, and take and subscribe the oath prescribed by the constitution, which bond, after being approved by the Governor, shall, together with the affidavit, be filed in the office of the secretary of state.

Commissioner shall give bond.

Sec. 6. Be it further enacted, That the commissioner of the general land office shall procure a seal of office with the words "General Land Office, the State of Texas," engraved around the margin, and such other device as the Governor of the State

Seal of office.

shall approve, which approval shall be certified and recorded in the office of the secretary of state.

Patents, how
issued.

Sec. 7. Be it further enacted, That all patents for lands emanating from the State, shall be issued in the name and by the authority of the State under the seal of the State, and under the seal of the general land office, and shall be signed by the Governor, and be countersigned by the commissioner of the general land office.

Land dis-
tricts.

Sec. 8. Be it further enacted, That the several counties of the Republic of Texas, as they existed on the fifteenth day of February one thousand eight hundred and forty six, be, and they are hereby declared land districts of the State of Texas, and be known as follows, viz: district of Austin, district of Bexar, district of Bastrop, district of Brazoria, district of Brazos, district of Bowie, district of Colorado, district of Fayette, district of Fort Bend, district of Fannin, district of Goliad, district of Gonzales, district of Galveston, district of Harris, district of Houston, district of Harrison, district of Jasper, district of Jefferson, district of Jackson, district of Liberty, district of Lamar, district of Montgomery, district of Milam, district of Matagorda, district of Nacogdoches, district of Refugio, district of Robertson, district of Rusk, district of Red River, district of San Patricio, district of San Augustine, district of Sabine, district of Shelby, district of Travis, district of Victoria, and district of Washington.

New counties,
not land dis-
tricts, sepa-
rate.

Sec. 9. Be it further enacted, That no new county created by the legislature shall be made a separate land district, but the same shall remain a part of the district from which it shall have been taken: Provided, that there shall be a convenient number of deputy surveyors appointed for each surveyor's district, whose district shall be so well defined to them, that there will not occur a conflict in the surveys made by either deputy.

District sur-
veyors elected
shall give
bond.

Sec. 10. Be it further enacted, That there shall be elected by the qualified electors of each land district, on the day of the first general election of county officers in this State, one district surveyor for each land district, whose term of office shall be

two years from the date of his election, who shall be entitled to the custody of all books, maps, papers and such other things as belong to the county surveyor's office of the county which by this act is made a district, upon his entering into bond, with two or more securities, in the penal sum of ten thousand dollars, payable to the Governor of the State of Texas, and his successors in office, conditioned for the faithful discharge of the duties of his office, which bond shall be approved by the county courts of their respective counties, and recorded in the office of the clerk of the county court, and filed in the office of the clerk of the district court; and a certified copy thereof may be put in suit in behalf of the State, or any citizen aggrieved by the non-performance of its conditions; he shall also take and subscribe an oath to the following effect: That he will faithfully and to the best of his skill and ability, discharge the duties of his office in accordance with law; which shall be filed with his bond in the office of the clerk of the district court of their respective counties.

Sec. 11. Be it further enacted, That the district surveyors elected under this act, shall be governed in the discharge of their official duties by the provisions of this act, and the laws heretofore regulating the duties of county surveyor, where the same does not conflict with this act, and shall be subject to removal from office by indictment in the district court of their respective counties for any abuse, negligence or failure in the discharge of their official duties; and upon their removal from office or at the expiration of their term of office, shall deliver to their successors all records, books, papers, maps and other things appertaining to the office.

District surveyor to be governed by law, and liable to indictment in district court.

Sec. 12. Be it further enacted, That the commissioner of the general land office shall give information to the Governor of this State, or either branch of the legislature, concerning the public lands, or the general land office, from time to time, as may be required.

Sec. 13. Be it further enacted, That this act take effect from and after its passage.

Approved, 12th May, A. D. 1846.

AN ACT

To provide for the Registry of Deeds, and other Instruments of Writing.

Clerks of
county courts
are recorders.

Section 1. Be it enacted by the Legislature of the State of Texas, That the clerks of the county courts of the several counties of this State shall be the recorders for their respective counties: they shall provide and keep in their offices well bound books, in which they shall record, in a fair and legible hand, all instruments of writing authorized or required to be recorded in the recorder's office of their respective counties, in the manner hereinafter provided.

Sec. 2. Be it further enacted, That the seal of the county court shall be the seal of the recorder, and shall be used for the authentication of all his official acts.

Sec. 3. Be it further enacted, That each recorder shall provide suitable books and presses for his office, and keep regular and faithful accounts of the expenses thereof, and such accounts shall be audited by the county court and paid out of the county treasury.

All deeds, &c.
to be recorded
in books.

Sec. 4. Be it further enacted, That it shall be the duty of each recorder to record in the books provided for his office, all deeds, mortgages, conveyances, deeds of trust, bonds, covenants, defeasances, or other instruments of writing, of or concerning any lands, and tenements, or goods and chattels, or moveable property of any description, in his county, which shall be proved or acknowledged according to law, and delivered to him to be recorded in his office.

Marriage con-
tracts to be
recorded.

Sec. 5. Be it further enacted, That each recorder shall also record in books to be provided for that purpose, all marriage contracts and powers of attorney, and all official bonds required to be recorded in his office, and all other instruments of writing authorized or required to be recorded in

his office, which shall be proved or acknowledged according to law, and delivered to him for record.

Sec. 6. Be it further enacted, That each recorder shall record all titles issued by the commissioner of the general land office, and copies of all titles recorded in the general land office, presented for record: Titles from general land office and judgments by any court to be recorded. Provided, such titles or copies are attested with the seal of the general land office. They shall also record all judgments and abstracts of judgments rendered by any court of this State: Provided, such judgment or abstracts of judgment are attested under the hand and seal of the clerks of the court where such judgment was obtained. They shall also record all other instruments authorized by law to be recorded by them, which were executed previous to the time this act takes effect, and which are acknowledged or proved in the manner provided for by this act, or by the laws which were in force at the time of such acknowledgment or proof, all of which writings shall be recorded under the same rules and penalties hereinafter prescribed for other instruments.

Sec. 7. Be it further enacted, That the acknowledgment of an instrument of writing for the purpose of being recorded, shall be by the grantor or person who executed the same, appearing before some officer authorized to take such acknowledgment, and stating that he had executed the same for the consideration and purposes therein stated; and the officer taking such acknowledgment shall make a certificate thereof, sign and seal the same with his seal of office. Acknowledgment of instrument by grantor.

Sec. 8. Be it further enacted, That the proof of any instrument of writing for the purpose of being recorded, shall be by one or more of the subscribing witnesses personally appearing before some officer authorized to take such proof, and stating on oath that he or they saw the grantor or person who executed such instrument subscribe the same, or that the grantor or person who executed such instrument of writing acknowledged in his or their presence, that he had subscribed and executed the same for the purposes and consideration therein stated, and that he or they had signed the same as Proof of instruments to be recorded.

witnesses, at the request of the grantor or person who executed such instrument, and the officer taking such proof shall make a certificate thereof, sign and seal the same with his official seal.

Hand-writing
of grantor and
one witness
may be proved
and record
had.

Sec. 9. Be it further enacted, That when the subscribing witnesses to any instrument of writing may be dead, or their place of residence unknown, or when they reside out of the State, an affidavit thereof may be made and attached to such instrument; after which it may be proved for the purpose of being recorded, by the evidence of the hand writing of the grantor or person who executed such instrument, and at least one of the subscribing witnesses, which evidence shall consist of the deposition of two or more disinterested persons, in writing, attached to such instrument, and the officer taking such proof, shall make a certificate thereof, sign and seal the same with his official seal.

Identity of
witness to be
proved.

Sec. 10. Be it further enacted, That whenever any grantor or person who executed any instrument of writing, or any subscribing witness to any such instrument, shall appear before any officer authorized to take acknowledgments or proofs of such instruments for the purpose of acknowledging or proving such instrument for record, if such grantor or person who executed such instrument, or subscribing witness, shall be personally unknown to such officer, his identity and his being the person he purports to be on the face of such instrument of writing, shall be proven to such officer, which proof may be made by witnesses known to the officer, or the affidavit of such grantor or person who executed such instrument, or subscribing witness, if such officer shall be satisfied therewith, which proof or affidavit shall also be endorsed in such instrument of writing.

Proof of in-
struments,
taken, by
whom.

Sec. 11. Be it further enacted, That proof or acknowledgment of every instrument of writing for record, shall be taken by some one of the following officers: First, when acknowledged or proven within the State, before some notary public or clerk of the county court of any county in the State. Second, when acknowledged or proven

without this State, and within the United States or their territories, before some judge of a court of record having a seal. Third, when acknowledged or proven without the United States, before some public minister, chargé dé affairs, or consul of the United States, and in all cases the certificate of such acknowledgment or proof, shall be attested under the official seal of the officer taking the same.

Sec. 12. Be it further enacted, That when any instrument of writing, authorized by law to be recorded, shall be deposited in the recorder's office for record, if the same shall be acknowledged or proved in the manner prescribed by law for record, the recorder shall enter in a book to be provided for that purpose in alphabetical order, the names of the parties and date and nature thereof, the time of delivery for record, and shall give to the person depositing the same, if required, a receipt specifying the particulars thereof.

Recorder to keep a record of instruments offered for record.

Sec. 13. Be it further enacted, That each recorder shall, without delay, record every instrument of writing authorized to be recorded by him, which is deposited with him for record, with the acknowledgment, proofs, affidavits and certificates written on or attached to the same, and all other papers referred to and thereto annexed, in the order and as of the time when the same shall have been deposited for record, by entering them word for word and letter for letter, and noting at the foot of such record all interlineations, erasures, and words visibly written on erasures, and noting at the foot of the record, the hour and the day of the month and year when the instrument so recorded was deposited in his office for record.

Recorder shall record without delay, and in order of time of reception.

Sec. 14. Be it further enacted, That every such instrument of writing shall be considered as recorded from the time it was deposited for record, and the recorder shall certify and attach to every such instrument of writing so recorded, the hour, day, month and year when he recorded it, and the book and page or pages in which it is recorded, and when recorded deliver the same to the party entitled thereto, or to his order.

Record to take effect from date of deposit.

Recorder shall
keep an index.

Sec. 15. Be it further enacted, That each recorder shall provide and keep in his office a well bound book, and make and enter therein an index in alphabetical order, to all books of records wherein deeds, mortgages or other instruments of writing concerning lands and tenements are recorded, distinguishing the books and pages in which every such deed or writing is recorded.

Index in al-
phabetical
order.

Sec. 16. Be it further enacted, That such index shall contain the names of the several grantors and grantees in alphabetical order; and in case the deed be made by a sheriff, the name of the sheriff and the defendant in execution; and if by executors or administrators, their names and the names of their testators or intestates; and if by attorney, the name of such attorney and his constituents; and if by a commissioner, the name of such commissioner and the person whose estate is conveyed.

Alphabetical
index to books
of record.

Sec. 17. Be it further enacted, That each recorder shall in like manner make and keep in his office a full and perfect alphabetical index to all books of record in his office, wherein all instruments of writing in relation to goods and chattels, or movable property of any description, marriage contracts and powers of attorney, and all other instruments of writing authorized or required to be recorded in his office, are recorded, and a like index of all the books of record wherein official bonds are recorded, the names of the officers appointed, and of the obligors in any bond recorded, and a reference to the book and page where the same are recorded.

Recorder neg-
lecting to re-
cord, &c. shall
be fined, and
liable in dam-
ages.

Sec. 18. Be it further enacted, That if any recorder to whom any instrument of writing authorized to be recorded by him, and proved or acknowledged according to law, which shall be delivered for record, shall neglect or refuse to make an entry thereof, or give receipt therefor, as required by this act, or shall neglect or refuse to record such instrument of writing within a reasonable time after receiving the same, or shall record any instrument of writing affecting the same property, or any part thereof, before another first deposited

in his office, and entitled to be recorded, or shall record any such instrument incorrectly, or shall neglect or refuse to provide and keep in his office, such indexes as required by this act, he shall forfeit and pay any sum not exceeding five hundred dollars, to be recovered on motion in the district court, one-half to the use of the county, and the other half to the use of the person who shall sue for the same, such clerk having three days notice of such motion, and shall also be liable to the party for all damages he may have sustained thereby, to be recovered by suit in the official bond of such recorder, given by him as clerk of the county court, against such clerk and his securities.

Sec. 19. Be it further enacted, That this act shall take effect and be in force from and after the second Monday in July, 1846; and from and after that time, all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed.

Approved, 12th May, A. D. 1846.

AN ACT

To fix the times of holding the Election for Members to the Congress of the United States.

Section 1. Be it enacted by the Legislature of the State of Texas, That the first election for members of Congress from this State, after taking effect of this act, shall be on the first Monday in November in the year 1846, and every second year thereafter.

Sec. 2. Be it further enacted, That this act take effect and be in force from and after the fourth day of July next.

Approved, 11th May, A. D. 1846.

AN ACT

Providing for the election of officers for Dallas County.

Section 1. Be it enacted by the Legislature of the State of Texas, That John N. Bryan, be, and he is hereby authorized to appoint managers to hold and give notice of an election to be held in Dallas county, for a chief justice, sheriff, coroner, clerk of the county court for said county, and that said election be conducted in all respects according to the existing laws governing elections, and the said Bryan shall in the order directing the holding of said election, require that the returns thereof be made to him within the time provided by law, and the said Bryan shall give to each person elected a certificate of his election, and make returns of said election to the secretary of State.

Sec. 2. Be it further enacted, That the officers elected at said election, shall enter on the discharge of their respective duties immediately after giving bond and taking the oath of office prescribed by law; and that this act shall be in force from and after its passage.

Approved, 12th May, A. D. 1846.

AN ACT

Locating the Seat of Justice of Leon County.

Section 1. Be it enacted by the Legislature of the State of Texas, That until the seat of justice of the county of Leon shall be permanently located, in the manner hereinafter provided, the temporary seat of justice of said county shall be at the present residence of Moses Campbell, and all

the courts of said county shall be held thereat, until the permanent seat of justice may be located and suitable buildings constructed.

Sec. 2. Be it further enacted, That it shall be the duty of the chief justice of said county of Leon to order an election to be held in said county, on the first Monday in August next, for the purpose of selecting the permanent seat of justice of said county, and each qualified voter shall vote for the place at which he may wish the county seat located. No place shall be voted for at a greater distance than ten miles from the centre of said county, and the said seat of justice when permanently located, shall be known by the name of Leona.

Sec. 3. Be it further enacted, That the returns of said election shall be made to the chief justice of said county, within five days after said election, when he shall proceed to count the votes given for each place voted for, and the place having a majority of all the votes given shall be declared to be the permanent seat of justice of said county; but if no place shall have received a majority of the whole number of votes given, it shall be the duty of the chief justice, by proclamation, to proclaim the number of votes given for each place, and order an election to be held within twenty days thereafter, for the purpose of deciding between the two places having the highest number of votes at the previous election, and the place having the highest number of votes at the second election shall be the permanent seat of justice for said county.

Sec. 4. Be it further enacted, That the returns for the second election shall be made in the same manner as the first, and the said elections shall be conducted in accordance with the provisions of the existing laws regulating elections, except as to the time provided for making returns.

Sec. 5. Be it further enacted, That there shall be elected, at the time of the first election provided for in this act for voting for the county seat,

three commissioners for said county of Leon, who, when the seat of justice shall have been permanently located, in accordance with the provisions of this act, shall have the right to purchase, at the expense of the county, or receive by donation, for the use of said county, any quantity of land not exceeding one hundred and sixty acres if by purchase, and not exceeding six hundred and forty acres, if by donation, which shall be laid out in lots and suitable squares for public buildings, and the lots to be sold by said commissioners on such terms as they may prescribe, and the proceeds of the sale thereof shall be appropriated for the erection of public buildings for the use of said county, and for the payment of other necessary expenses for the county which may be incurred in and about the erection of said county seat.

Sec. 6. Be it further enacted, That a majority of said commissioners shall have power to act, and if from any cause a vacancy shall happen, it shall be the duty of the chief justice to order an election to fill the same.

Sec. 7. Be it further enacted, That the said commissioners shall each be allowed the sum of one dollar per day for each day they may be employed in the discharge of their duties.

Sec. 8. Be it further enacted, That whenever the seat of justice of said county shall be permanently located according to the provisions of this act, and suitable buildings provided for holding courts, it shall be the duty of the chief justice to order the clerk of the district court, and the clerk of the county and probate courts, and sheriff, to remove their respective offices, together with all books and papers belonging thereto, to the place so selected, and thereafter all courts for said county shall be held at that place.

Sec. 9. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, 12th May, A. D. 1846.

AN ACT

To regulate the License and Practice of Attornies and
Counsellors at Law.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person, who in vacation wishes to be allowed to practice as an attorney and counsellor at law, shall make application to the judge of the district court, or to a judge of the supreme court, and shall produce a certificate from the county court of the county in which he resides, that he has been a resident of the State at least six months, that he is twenty-one years of age, and that he has a good reputation for moral character and honorable deportment, whereon the judge shall proceed to examine the applicant, and if satisfied of his legal attainments, shall give him a certificate of the same, under which, if given by a judge of the district court, he shall be authorized to practice in the district and inferior courts of that district, until the next succeeding term of the district court of the county in which the applicant resides; and if given by a supreme judge, he shall be authorized to practice in the supreme court until its next regular term.

Duties of applicant.

Sec. 2. Be it further enacted, That during the term of any district court, or of the supreme court, upon application in writing of any person desiring to obtain a permanent license to practise as attorney and counsellor at law in the courts of the State, accompanied with a certificate from the county court, of the character specified in the first section, the court shall as soon as convenient, appoint a committee of three or more practising attornies of good standing, and set a day for the examination of the applicant, on which day the committee so appointed shall in open court proceed to examine

Committee of examination.

the applicant, and if they or a majority of them and the court are satisfied of his legal qualifications, a report of that fact shall on the next day, be made by the committee, and recorded by the clerk, and thereon the court shall order the clerk to make out a license for the applicant, which shall be signed by the court and tested by the clerk, under the seal of the court, under which when delivered, if granted by the district court, the party shall be authorized to practise in any district or inferior court of the State, and if by the supreme court, then in any court of the State.

Emigrants from other states admitted to practice.

Sec. 3. Be it further enacted, That any person who immigrates to this State from any other State of the Union, with a view of permanently residing therein, may be admitted to practice as attorney and counsellor at law, upon producing a license from any circuit or district court, or supreme court of the State from which he emigrated, and also producing satisfactory evidence to the judge or court to whom he applies, that he is a man of good reputation for moral character and honorable deportment, and shall not be subject to the requisites of residence prescribed in the first section of this act.

Oath to be administered.

Sec. 4. Be it further enacted, That before delivering to any person the certificate or license provided for in the preceding sections, the judge or clerk of the court shall administer to the applicant the oath or affirmation prescribed by the constitution of the State, which shall be entered on the license or certificate by the officer administering it, and upon the delivery of any permanent license, the clerk of the court granting it shall enroll the name of the person admitted on the records of the court.

Persons convicted of infamous crimes not admitted to the practice.

Sec. 5. Be it further enacted, That no person convicted of bribery, perjury, forgery, larceny, or other felony, or of treason against this State or the United States, shall be capable of obtaining a license as attorney and counsellor at law; or if license, any court of record in which such

person may practice, shall on proof of a conviction of any crime in this section named, supersede his license, and strike the name of such person from the roll of attornies.

Sec. 6. Be it further enacted, That no judge of the supreme or district courts, sheriffs or deputy sheriffs, coroners, clerks of courts, or constables, shall be allowed to appear or plead as an attorney in any court of record in this State; nor shall any county or probate judge, be allowed to appear in any case or suit originating in the court of which he is or may have been a judge during the pendency of such suit.

Judges, sheriff, &c. not allowed to practice.

Sec. 7. Be it further enacted, That any person not already licensed as an attorney at law, according to laws heretofore in force, who shall offer or attempt to practice as an attorney and counsellor at law, without obtaining a license, in the manner directed by this act, shall for every such offence, forfeit and pay a fine of not less than fifty, nor more than five hundred dollars, to be recovered by information or plaint of any person who informs in any court of the county having jurisdiction, one half to the use of the informer, and the other half to the county treasury: Provided, that nothing herein contained be so construed as to prevent or deprive any citizen of the right personally to prosecute or defend any suit in which he may be a party.

Practising without license punishable by fine.

Sec. 8. Be it further enacted, That any attorney or counsellor at law who shall be guilty of any fraudulent or dishonorable conduct, or of any mal-practice, shall be liable to be suspended or stricken from the roll of attornies at the discretion of the court; and any attorney who may be stricken from the roll, shall not afterwards be allowed to practice in any court of the State, unless reinstated on appeal to the supreme court.

Fraudulent conduct, &c. punished by suspension, &c.

Sec. 9. Be it further enacted, That any prosecution under the fourth and seventh sections of this act, may be instituted by motion or information of any two or more practicing attornies of

Prosecution by motion in certain cases.

any court in which the party prosecuted may practice, of which motion or information a copy shall be served on the party defendant at least five days before the trial thereof, and the motion or information shall be made and carried on in the name of the State of Texas.

Attorney may
be fined for
contempt of
court, &c.

Sec. 10. Be it further enacted, That each attorney and counsellor at law shall be subject to fine by any court in which he may practice, for misbehaviour or contempt offered to such court, as in other cases of contempt.

Refusal to pay
over money to
client.

Sec. 11. Be it further enacted, That each attorney and counsellor who receives or collects money for his client and refuses to pay over the same when demanded, may be proceeded against by motion of the party injured or his attorney, before the district court of the county in which such attorney or counsellor usually resides, or in which he resided when he collected or received the money, notice of which motion, with a copy thereof, shall be served on such party at least five days before the trial thereof; and in case the motion be sustained, judgment shall be rendered against the defendant for the amount by him collected or received, with legal interest; and also, not less than ten nor more than twenty per cent. damages on the principal sum, and if the evidence in the opinion of the court exhibits dishonorable or fraudulent conduct, then the court may in its discretion also adjudge that the defendant be suspended or stricken from the roll of attorneys.

Attornies
may inspect
records, &c.

Sec. 12. Be it further enacted, That each attorney and counsellor at law practising in any court, shall be allowed, at all reasonable times, to inspect the papers and records relating to any suit or other matter in which he may be interested, without being required to take copies thereof; but no person whatever shall be allowed to take any papers out of the office to which they belong, without the permission of the clerk or keeper of the records; and the party withdrawing said

papers, shall leave a descriptive receipt for the same.

Sec. 13. Be it further enacted, That all laws and parts of laws contrary to the provisions of this act, be, and they are hereby repealed.

Approved, 12th May, A. D. 1846.

AN ACT

To organize the Supreme Court of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the supreme court of the State of Texas, shall consist of a chief justice and two associates, any two of whom shall form a quorum. ^{Constitution of court.}

Sec. 2. Be it further enacted, That the State of Texas shall constitute one supreme court district only, and said court shall be holden once in each year only, to commence on the second Monday in December in each year, and may continue in session until the first day of June next ensuing, unless the business before said court shall sooner be disposed of. Said court shall hold its sessions at the city of Austin, in the county of Travis. ^{Time of sitting.}

Sec. 3. Be it further enacted, That the supreme court shall have appellate jurisdiction over all manner of pleas, complaints, motions, causes and controversies, both civil and criminal, which may be brought before it, from the district or any other courts of the State, and which shall be cognizable in the said supreme court, according to the laws and constitution of the State; and when the judgment, or decree of the court below, in civil cases, shall be reversed, the supreme court shall proceed to render such judgment or decree as the ^{Jurisdiction.}

court below should have rendered, or pronounced, except when it be necessary that some matter of fact be ascertained, or the damages to be assessed, or the matter to be decreed, is uncertain, in either of which cases the cause or prosecution, as the case may be, shall be remanded, for a more definite decision.

Clerk appointed by court.

His duties.

Vacation of clerkship.

Sec. 4. Be it further enacted, That there shall be appointed for the supreme court, one clerk, who shall reside at the place of holding court; the appointment shall be made by the court, and shall be entered of record in the proceedings of the court, and the person so appointed, shall, before he enters upon the duties of his office, take and subscribe the oath prescribed by the constitution, in open court, and shall enter into a bond with two good securities, to be approved of by the court, payable to the Governor of the State and his successors in office, in the penalty of ten thousand dollars, conditioned for the faithful performance of the duties of his office, and that he correctly record the judgments, decrees, decisions, and orders of the said court, and deliver over to his successor in office, all records, minutes, books and papers, and whatever belongs to his said office of clerk, which bond and oath shall immediately thereafter be deposited in the office of the secretary of state, and shall not be void on the first recovery, but may be put in suit, and prosecuted by the party injured, until the amount thereof be recovered, and shall be deemed to extend to the faithful discharge of the duties of his office.

Sec. 5. Be it further enacted, That if, in vacation, the office of clerk may become vacant, the appointment shall be made by the chief justice and the associates of said court, or any one of said associates, and chief justice; and the person so appointed, shall give bond and take the oath as prescribed in the fourth section or this act, the bond to be approved by any judge of the court, which bond and oath, shall be deposited

in the same manner, as though the appointment had been made in term time, and may be prosecuted and put in suit in like manner; copies of said bond shall be received in evidence in any court in this State, in the same manner as the original would be, were it presented in court; and the said appointment shall continue until the next regular succeeding session of the said court, or until a regular appointment shall be made.

Sec. 6. Be it further enacted, That the clerk of the supreme court shall hold his office for the term of four years from his appointment, but may be removed therefrom for neglect of duty, or misdemeanor in office, by the supreme court, on motion, of which the clerk against whom complaint is made, shall have ten days previous notice, specifying the particular charges of negligence or misdemeanor in office preferred, and in every such case, the court shall determine both the law and the facts; and, whenever necessity occurs, the supreme court may appoint a clerk pro tempore.

Clerks to hold for four years.

May be removed for cause.

Sec. 7. Be it further enacted, That the clerk of the supreme court shall have the power to appoint deputies under him, by written appointment, under the seal of the court, which shall be filed and recorded in the records of the court, to whom he shall administer an oath faithfully to discharge the duties of his office, and for whose official acts he shall in all cases be responsible; and the clerk and his deputies shall have power to administer oaths in all cases incident to the discharge of the duties of his office.

May appoint deputies—administer oaths.

Sec. 8. Be it further enacted, That the successor in office of any clerk, shall receive into his possession all books, papers, stationery, and every thing belonging to the said office; and should any person or persons having possession of the same, refuse to give them up, on demand made, it shall be the duty of said clerk to give information thereof to the attorney general, or

Clerks to transfer books, papers, &c. to successor.

the district attorney of the district in which the said refusal may be made, who shall prosecute such person or persons in the name of the State, before any court having jurisdiction of the same, and on conviction, the person so offending shall be fined in any sum not less than five hundred dollars, nor more than five thousand dollars, for the use of the State.

Making false entry.

Sec. 9. Be it further enacted, That if any clerk of the supreme court shall knowingly make any false entry, or change any record in his keeping belonging to his office, every such clerk so offending shall be liable to prosecution in the district court, and shall on conviction thereof, be fined in any sum not exceeding one thousand dollars, and be imprisoned not exceeding ten years, and shall also be liable to the action of the party aggrieved.

Clerk shall preserve all papers; docket causes, &c.

Sec. 10. Be it further enacted, That the clerk of the said court shall carefully preserve the transcripts of records certified to his court, and all papers relative thereto, and shall docket all causes brought to the court, in the order he shall receive them, that they may be heard in the same cause, unless the court for good cause shown, direct any to be heard out of its order, and shall faithfully record the decisions of said court, and the proceedings thereof, and certify the same to the proper courts; and all causes shall be tried by the said supreme court at the return term, unless satisfactory cause can be shown for a continuance.

Clerks of district courts to pay over costs to clerk supreme court.

Sec. 11. Be it further enacted, That the clerks of the district courts shall receive and pay to the clerks of the supreme court, all costs that may have accrued in the supreme court, in any case or controversy which may have been brought into the supreme court, wherein a final judgment or decree may have been rendered; and any clerk failing to pay such costs on demand, after he shall have received the same, may be proceed-

ed against by motion in the district court, three days notice being given to such clerk.

Sec. 12. Be it further enacted, That it shall be the duty of the clerk of the supreme court to procure a seal for the use of the court, which shall have a star of five points, with the words "Supreme Court of the State of Texas," engraved thereon. Seal to be procured by clerk.

Sec. 13. Be it further enacted, That the clerk of the supreme court shall, on final judgment of the supreme court, certify to the clerk of the district court of the proper county, the judgment or decree of the said supreme court, and attach thereto a list or statement of all the costs accruing in the said supreme court, and the said district clerks shall include the costs of the said supreme court in the executions which he shall issue against the party adjudged to pay the same, and pay over to the clerk of the supreme court such costs as he may be entitled to in the case, so soon as it shall have been collected; and any clerk of the district court, or sheriff of any county, who shall fail to pay over any costs which may be in the hands of either of them, when called on, shall be subject to ten per cent. damages per month to the said clerk of the supreme court, to be recovered on motion in the district court, where such failure to pay over such costs as aforesaid, shall accrue, three days notice being given of such motion. Clerk of supreme court to certify to clerk of district court decrees, &c. of supreme court.

Sec. 14. Be it further enacted, That in all cases decided by the supreme court, the judgment or decree of the court shall be in writing, and pronounced in open court, with the reasons of the court for the same, which shall be recorded by the clerk of the court in a book kept by him for that purpose. Judgment of supreme court to be in writing.

Sec. 15. Be it further enacted, That all writs and process issuing from the supreme court, shall bear the test of the chief justice of said court, and be under the seal of said court, and signed by the clerk thereof, and may be directed to the Process shall bear test of chief justice, &c. Shall be executed by sheriff, &c. of any county.

Clerk may issue second process in certain cases.

sheriff, or other proper officer of any county in the State, and shall be by such officer executed according to the commands thereof, and returned to the court from which they emanated; and whenever such writ or process shall not be executed, the clerk of said court is hereby authorized and required to issue another like process, or writ, upon the application of the party suing out the former writ or process, to the same or any other county; and when any person, plaintiff or defendant, in any suit pending in the said court, shall die, it shall be lawful for the clerk of the said court, during the recess of the court, upon application by petition, to issue proper process, to enable the court to proceed to a final judgment, or decree, in the name of the representative of such deceased person.

Adjournment of court: discontinuance of process.

Sec. 16. Be it further enacted, That the said court may adjourn from day to day, or for such longer period as they may think necessary to the ends of justice, and the determination of the business before them, and there shall be no discontinuance of any suit, process, or matter returned to, or depending in the supreme court, although a quorum of the court may not be in attendance at the commencement, or any other day of the term; but if a sufficient number of judges shall not attend on the first day of the term, to hold said court, or shall not attend at any day of the term, any judge of the court, or the sheriff attending the same, may adjourn the said court from time to time, for thirty days, at which time, if a majority, or quorum, shall not attend, it shall be the duty of the judge or sheriff in attendance, to adjourn the court to the next regular term time.

Sheriff may adjourn from day to day.

Disqualification of judges to sit.

Sec. 17. Be it further enacted, That no judge of the supreme court shall sit in any cause wherein he may be interested, in the question to be determined, or where either of the parties may be connected with him by affinity or consanguinity, within the third degree, or where he shall have

been of counsel in the cause; and when the supreme court, or any two of its members shall be thus disqualified to hear and determine any cause or causes in said court, or when no judgment can be rendered in any case, or cases, in said court, by reason of the equal division of opinion of said judges, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law, for the trial and determination of said case or cases.

Sec. 18. Be it further enacted, That whenever the supreme court shall be equally divided in opinion on hearing any appeal, or other matter, it shall be the duty of the chief justice or presiding judge of the court, to certify the same to the Governor; also, all other causes of disability of said court, as prescribed in the foregoing section of this act. Court equally divided shall report to Governor.

Sec. 19. Be it further enacted, That the supreme court shall have power to punish any person for a contempt of said court, according to the principles and usages of law in like cases, not to exceed one thousand dollars fine, and imprisonment not exceeding twenty days. May punish for contempt.

Sec. 20. Be it further enacted, That the supreme court shall have power, if necessary, to establish rules of proceedings for the government of said court and the several district courts in this State, not inconsistent with the laws and constitution of the State: Provided, that the rules for the government of the district courts shall not have effect until they have been published at least sixty days in some newspaper published at the seat of government. May establish rules for itself and district court.

Sec. 21. Be it further enacted, That the said court, or any judge thereof, in vacation, may issue writs of habeas corpus, mandamus, and such other writs as may be necessary to enforce the jurisdiction of said court, and also to compel a judge of the district court to proceed to trial and judgment in a cause, agreeably to the principles and Any judge may issue all remedial writs.

uses of law, returnable into the supreme court on or before the first day of the term, or during the session of the same, or before any judge of the said court, as the nature of the case may require.

**Filing copy of
record on ap-
peal.**

Sec. 22. Be it further enacted, That when the copy of the record of any appeal or writ of error shall not be filed with the clerk of the supreme court on or before the third day of the term next succeeding the taking of the appeal or writ of error, it shall be lawful for the court in its discretion, or on motion of the defendant in appeal or writ of error, and no good cause being shown why the transcript of the record was not filed in due time, to dismiss the appeal or writ of error, and in case the judgment be rendered in the court below, or the writ of error be issued during the time of the session of the supreme court, it may be brought up immediately for review and decision in said court.

**No reversal or
dismission on
account of
form.**

Sec. 23. Be it further enacted, That there shall be no reversal on an appeal, nor shall the same be dismissed for want of form, provided sufficient matter or substance be contained in the record to enable the court to decide the cause upon its merits; and where the court shall be of opinion that an appeal or writ of error has been taken for delay, and that there was no good, probable and sufficient cause for taking such appeal, then, and in that case the appellant, if he be the defendant in the court below, shall pay ten per cent. on the amount in dispute, as damages, together with the judgment, interest and costs of suit thereon accruing.

**Trial on state-
ment of facts.**

Sec. 24. Be it further enacted, That in all cases of appeal to the supreme court, the trial shall be on a statement of facts as agreed upon by the parties or their attorneys, certified to by the judge of the court below, or should the parties fail to agree, then the judge of the court below shall certify the facts; or on a bill of exceptions to the opinion of the judge, or on a special verdict, or

on an error in law either assigned or apparent on the face of the record, and in the absence of all these, the appeal shall be dismissed with costs alone, or with costs and damages, at the discretion of the court.

Sec. 25. Be it further enacted, That the appellee shall not be required to file any answer to the assignment of errors or defects as may be insisted on by the appellant, but he shall furnish the court with a brief of his argument and the authorities on which he relies; and where the appellant does not appear, or furnish the court with a brief of the cause, the appeal may be dismissed, or the appellee may at his option proceed *ex parte*. Duties of appellee.

Sec. 26. Be it further enacted, That this act take effect from and after its passage.

Approved, 12th May, A. D. 1846.

AN ACT

To authorize the opening and construction of a Turnpike Road from the City of Houston to the Town of Brenham.

Section 1. Be it enacted by the Legislature of the State of Texas, That Thomas M. Likens and his associates, be, and they are hereby authorized to survey, mark and open a turnpike road to run from the city of Houston to the town of Brenham.

Sec. 2. Be it further enacted, That said Likens and his associates shall have the right of way and the privilege of timber and rock upon any of the vacant and unappropriated public lands through which said road may pass, and which may be necessary for the construction of said road, and keeping the same in good order.

Sec. 3. Be it further enacted, That the said company, with the consent of the owners of the

soil through which said road may pass, are required to make a permanent road, twenty-four feet wide, and when necessary, to cut ditches and make bridges across all shallow streams, and causeway swamps, so that the said turnpike shall be at all times passable and in good order.

Sec. 4. Be it further enacted, That said company are authorized, so soon as said road is completed, to collect and receive the following rates of toll, to wit: for each vehicle not to exceed twenty-five cents per wheel, for each horse or mule and rider ten cents, and for all loose horses, mules or cattle five cents per head.

Sec. 5. Be it further enacted, That said company may erect as many turnpike gates as they may think proper, but shall only charge the same person or persons at one of said gates: Provided, they shall have the right of charging the above rates as well for a part of the distance of said road as for the whole distance.

Sec. 6. Be it further enacted, That if any person or persons shall travel upon said road, or drive any wagon, or loose horse or horses, or cattle upon said road without paying the toll above allowed, or shall injure in any manner the said turnpike road, a right of action shall accrue to said company, and a suit may be instituted therefor, before any court of competent jurisdiction.

Sec. 7. Be it further enacted, That the said company shall keep persons in attendance at such gates as they may establish on said road, in order that persons traveling thereon may suffer no detention or hindrance, and should any person or persons, using said road, suffer any detention or inconvenience, in consequence of the negligence or improper conduct of said company or their agents, said company shall be liable to such person or person in an action of damages, before any court of competent jurisdiction.

Sec. 8. Be it further enacted, That said company shall by this act be entitled either by themselves, their agents or assigns, to receive the rates

of toll herein allowed, for the term of twenty-one years from and after the passage of this act.

Sec. 9. Be it further enacted, That should said company fail to complete said road, as herein contemplated, within three years from the passage of this act, then this act shall be null and void.

Sec. 10. Be it further enacted, That nothing herein contained shall allow the said Thomas M. Likens and associates to intrude in any manner upon established roads to the injury of the public.

Sec. 11. Be it further enacted, That this act take effect from and after its passage.

Approved, 12th May, A. D. 1846.

AN ACT

To define more particularly the Western Boundary of Milam County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the western boundary of Milam county shall run with the dividing ridge of the waters of the Brazos and the Colorado rivers, from the point where the east boundary line of Bexar county strikes said ridge to the uppermost point of the cross timbers; thence, a north-west course to the Brazos river; and that the territory embraced within said boundaries shall be in the land district of Milam county; and that this act take effect from and after its passage.

Approved, 12th May, A. D. 1846.

AN ACT

Requiring the Commissioner of the General Land Office to issue Patents upon unconditional Headright Certificates for Land.

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office, be, and he is hereby authorized and required to issue patents upon all unconditional headright certificates for land which have been or which may be granted by any of the boards of land commissioners of the Republic or State of Texas: Provided, the same shall have been granted in conformity to law: Provided further, that if a conditional certificate had been previously granted, the same shall be first filed in the general land office, unless the party applying for the patent shall make affidavit that the said conditional certificate has been lost, destroyed, or given up to be cancelled by the land board issuing the unconditional certificate, which affidavit shall be filed in the general land office.

Sec. 2. Be it further enacted, That patents shall in like manner be issued upon all unconditional certificates of headright which have been or which may hereafter be issued by any of the boards of land commissioners of the Republic or State of Texas, though the same have been issued without the conditional certificate having been first issued: Provided, it appear by such unconditional certificate, or by the transcript returned to the general land office, of the proof taken before the land board which granted such certificate, that the party appeared in person before the board, and proved by two witnesses that he had resided three years in the country.

Sec. 3. Be it further enacted, That patents shall in like manner be issued upon all unconditional certificates which have been issued to the heirs

or legal representatives of those persons who emigrated to the country but died citizens of the same previous to having resided the three years required by law.

Sec. 4. Be it further enacted, That patents may in like manner be obtained upon all good and genuine certificates of the first class which have been issued by any of the boards of land commissioners since the fourth day of February, 1841.

Sec. 5. Be it further enacted, That this act be in force and take effect from and after its passage.

Approved, 12th May, A. D. 1846.

AN ACT

Defining the Office and Duties of Constables.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be elected by the qualified electors of each justice's precinct of this State, one constable, who shall hold his office for two years and until his successor shall be elected and qualified; should a vacancy occur in the office of constable, an election shall be ordered by the chief justice of the county court, to fill the vacancy, and the person elected shall continue in office until a constable shall be elected at the next regular election for county officers and qualify according to law. Elected for two years.

Sec. 2. Be it further enacted, That every person who may be elected to the office of constable shall, before entering upon the duties of the office, give a bond with two or more good and sufficient securities, to be approved by the county court of his county, for such sum as may be directed by said court, not less than five nor more than fifteen hundred dollars, payable to the Governor and his successors in office, conditioned for the faithful per- Bond to be given.

formance of all the duties required of him by law, and shall also take and subscribe the oath of office prescribed by the constitution, which shall be endorsed on said bond, together with the certificate of the officer administering the same, which bond and oath shall be recorded in the office of the clerk of the county court and deposited in said office; said bond shall not be void on the first recovery, but may be sued on from time to time in the name of the party injured, until the whole amount thereof is recovered.

Death, &c. of
security to
bond.

Sec. 3. Be it further enacted, That whenever any of the securities of a constable shall die, remove permanently from the State, or become insolvent, or whenever the county court shall deem the securities of any constable to be insufficient, said court shall cite said constable to appear at a time to be named in such citation, not less than twenty nor more than thirty days after issuing such citation, and give a new bond with good and sufficient security, and if such constable shall neglect or refuse so to do, his office shall be declared vacant.

Neglect to
give bond.

Sec. 4. Be it further enacted, That whenever any person elected constable shall neglect or refuse to give bond and take the oath of office as required by this act, within twenty days after notice of his election, the office shall be deemed vacant.

Neglect of
duty, corrup-
tion, &c.

Sec. 5. Be it further enacted, That any constable who shall be guilty of any wilful neglect of duty, corruption or partiality, or any other malfeasance in office, may be indicted therefor by a grand jury in the district court of his county, and on conviction by a petit jury shall be removed from office.

Conservator
of the peace:
shall suppress
riots, &c.

Sec. 6. Be it further enacted, That each constable shall be a conservator of the peace throughout his county, and it shall be his duty to suppress all riots, routs, affrays, fightings and unlawful assemblies, and he shall keep the peace, and shall cause all offenders to be arrested and taken before some justice of the peace to be dealt with according to law, and shall well and truly present to the proper officer all affrays and other offences against the laws of the State which shall come to his knowledge.

Sec. 7. Be it further enacted, That when any constable shall meet with resistance in the execution of any lawful process, or in the arrest of offenders, he may call to his aid any citizen of the county who may be convenient, and any person who shall fail or refuse to obey such call may be fined as for a contempt, by any justice of the peace, in a sum not exceeding ten dollars, on motion of such constable, three days notice thereof having been given to the party accused.

In case of resistance may call aid.

Sec. 8. Be it further enacted, That each constable shall execute and return according to law all process, warrants and receipts to him directed by any lawful officer, and shall attend upon all justices' courts, held in his precinct, and shall perform all such other duties as may be required of him by law.

Shall execute all process, &c.

Sec. 9. Be it further enacted, That if any constable shall fail to pay to the proper person any money collected by him, by virtue of an execution, within ten days after the same may be demanded, he shall forfeit to such person double the amount collected, to be recovered on motion of the person to whom the same belongs, before the justice who issued such execution, against the said constable and his securities, jointly and severally, they having ten days notice of such motion.

Failure to pay over money collected.

Sec. 10. Be it further enacted, That if any constable shall fail to return any execution within the time prescribed by law, he shall forfeit and pay to the plaintiff in such execution the whole amount thereof, to be recovered with costs, on motion, before the justice who issued such execution, against the said constable and his securities, jointly and severally, they having ten days notice of such motion.

Failure to return execution.

Sec. 11. Be it further enacted, That if any constable shall fail or refuse to execute and return, according to law, any process, warrant, or precept to him lawfully directed, he shall be fined for a contempt, on motion of the party injured, before the justice who issued such process, warrant or precept, in any sum not less than ten dollars nor more than one hundred, with costs, which fine shall be for the

Failure to execute process.

benefit of the party injured, and said constable shall have ten days notice of such motion.

Failure to pay
over amount
collected.

Sec. 12. Be it further enacted, That if any constable shall receive from any person, any bonds, bills, notes or accounts for collection, and shall give his receipt therefor, in his official capacity, and shall fail to pay to such person, on demand, any amount he may have collected on the same, such constable and his securities shall be responsible on his official bond, for all such amounts as he may have collected on such bonds, bills, notes or accounts not paid over.

Vacating of-
fice.

Sec. 13. Be it further enacted, That whenever any constable shall vacate his office, all unfinished business remaining in his hands, shall be transferred to his successor and completed by him in the same manner as if commenced by himself.

May execute
process
throughout
county.

Sec. 14. Be it further enacted, That every constable may execute any process, civil or criminal, issued by a justice of the peace or coroner, throughout his county.

Sec. 15. Be it further enacted, That this act shall take effect and be in force from and after the second Monday in July, 1846, and from and after that day, all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed.

Approved, 12th May, A. D. 1846.

AN ACT

To provide for the issuing of Patents to the Assignees of good and genuine unconditional Headright Land Certificates.

Section. 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office be, and he is hereby required to issue patents to, and in the name of the as-

signees of all unconditional headright land certificates, issued in conformity to law, by any of the boards of land commissioners of the Republic or State of Texas, upon such assignee presenting a sufficient and properly authenticated chain of transfer, assignment or obligation for title, or a power of attorney showing such transfer or assignment from the original grantee down to the assignee.

Sec. 2. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, 12th May, A. D. 1846.

AN ACT

Defining the Office and Duties of Sheriffs.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be elected by the qualified electors of each county of this State, one sheriff, who shall hold his office for two years, and until his successor shall be elected and qualified. Should a vacancy occur in the office of sheriff, the chief justice or other officer shall immediately order an election to fill such vacancy, giving at least fifteen days notice; and the person so elected, after he shall qualify as directed in this act, shall discharge the duties of sheriff for the unexpired term of his predecessor. Mode of election.

Sec. 2. Be it further enacted, That every person who may be elected to the office of sheriff, shall before entering upon the duties of his office, give a bond with two or more good and sufficient securities, to be approved by the county court of his county, for such sum as may be directed by such court, not less than five nor more than thirty thousand dollars, payable to the Governor and his successors in office, conditioned that he will account for and pay over to the persons authorized by law to receive the same, all fines, forfeitures and penalties that he may collect for the use of the State, or Bond.

any county within the State, and that he will well and truly execute, and due return make of all process and precepts to him lawfully directed, and pay over all sums of money collected by him by virtue of any such process or precept, to the persons to whom the same are due or their lawful attorney; and that he will faithfully perform all such duties as may be required of him by law; and shall also take and subscribe the oath of office prescribed by the constitution, which shall be endorsed on said bond, together with the certificate of the officer administering the same, which bond and oath shall be recorded in the office of the clerk of the county court, and deposited in said office. Said bond shall not be void on the first recovery, but may be sued on from time to time, in the name of any person injured, until the whole amount thereof is recovered.

Securities.

Sec. 3. Be it further enacted, That whenever any of the securities of a sheriff shall die, remove permanently from the State, or become insolvent, or whenever the county court shall deem the sheriff's securities to be insufficient, said court shall cite said sheriff to appear at a time to be named in such citation, not less than twenty, nor more than thirty days after issuing such citation, and give a new bond, with good and sufficient security; and if such sheriff shall neglect or refuse so to do, his office shall be declared vacant, and election ordered.

**Refusal to
qualify.**

Sec. 4. Be it further enacted. That whenever any person elected sheriff, shall neglect or refuse to give bond and take the oath of office as required by this act, within twenty days after notice of his election, the office shall be deemed vacant, and election ordered.

Deputies.

Sec. 5. Be it further enacted. That sheriffs shall have power, by writing, under their hand and seal, to appoint one or more deputies for their respective counties, to continue in office during the pleasure of the sheriff, who shall have power and authority to perform all the acts and duties required of their principals; and every person so appointed, shall, before he enters upon the duties of

his office, take and subscribe the oath of office prescribed by the constitution, which shall be endorsed on his appointment, together with the certificate of the officer administering the same, and such appointment and oath shall be recorded in the office of the county clerk and deposited in said office.

Sec. 6. Be it further enacted, That sheriffs shall be responsible for the official acts of their deputies, and they shall have power to require from their deputies such bond and security as they may deem necessary; and they shall have the same remedies against their deputies and securities as any person can have against a sheriff and his securities.

Sec. 7. Be it further enacted, That each sheriff shall be a conservator of the peace in his county, and shall arrest all offenders against the laws of the State in his view or hearing, and take them before the proper court for examination or trial. He shall quell and suppress all assaults and batteries, affrays, insurrections, and unlawful assemblies. He shall apprehend and commit to jail all felons and other offenders, until an examination or trial can be had. Powers of sheriffs.

Sec. 8. Be it further enacted, That each sheriff shall execute all process and precepts directed to him by legal authority, and make return thereof to the proper court, on or before the day to which the same is returnable; and any sheriff who shall fail so to do, or who shall make a false return on any process or precept, shall for every such offence, be liable to be fined by the court to which such process is returnable, as for a contempt, in any sum not exceeding one hundred dollars, at the discretion of the court, which fine shall go to the county treasury, and such sheriff shall also be liable to the party injured for all damages he may sustain. Duties.

Sec. 9. Be it further enacted, That every sheriff when executing any writ of *capias* in any criminal or penal case which may by law be liable, [repleviable?] may take from the defendant a bond and security to the State in any sum not less than one hundred, nor more than ten thousand dollars, condi- Sheriffs may take bond for appearance.

tioned that he will appear at the district court of the proper county at the next term thereof, then and there to answer the charges exhibited against him, and that he will not depart therefrom without leave of the court, which bond shall by the said sheriff be returned and certified to the proper court.

May call out
the power of
the county.

Sec. 10. Be it further enacted, That whenever a sheriff, or any of his deputies, shall meet with resistance in the execution of any legal process, they shall call to their aid the power of the county, and any person who shall neglect, or refuse to aid and assist any sheriff or deputy in the execution of any legal process, when summoned so to do, shall be deemed guilty of a contempt of court, and shall be fined in a sum not exceeding ten dollars, to be recovered, on motion of such sheriff or his deputy, and proof of such neglect, or refusal before the court from which such process issued, three days notice of such motion being given to the party accused.

Shall keep the
jail and pris-
oners.

Sec. 11. Be it further enacted, That the sheriffs shall be the keepers of the jails of their respective counties, and they shall receive into custody and safely keep subject to the order of the proper court, all offenders against the laws of this State, who shall be committed to their charge by any lawful officer, for any offence committed in their county.

Charges for
keeping of-
fenders.

Sec. 12. Be it further enacted, That sheriffs be allowed fifty cents per day for the board of all offenders committed to their custody, and all other reasonable expenses for the comfort and safe keeping of such offenders, to be audited by the county court, and paid out of the county treasury of the county where the offence was committed with which the prisoner stands charged.

Attendance on
courts.

Sec. 13. Be it further enacted, That each sheriff shall attend upon all district, county and probate courts for his county, and in counties where the supreme court shall hold its sessions, the sheriffs of such counties shall attend upon the supreme court.

Shall endorse
process.

Sec. 14. Be it further enacted, That every sheriff and deputy sheriff shall endorse on all process

and precepts coming into their hands, the day on which they received them, the manner in which they executed them, the day when they executed them, and shall sign their return officially.

Sec. 15. Be it further enacted, That when any sheriff shall, from any cause vacate his office, all unfinished business whatsoever, in his hands, shall be transferred to his successor, and completed by him in the same manner as if commenced by himself. Transfer of business.

Sec. 16. Be it further enacted, That every sheriff who shall be guilty of any wilful neglect of duty, corruption, partiality, or any other malfeasance in office, may be prosecuted by indictment before the district court of his county, and on conviction, shall be removed from office. Neglect of duty, &c.

Sec. 17. Be it further enacted, That it shall be the duty of each sheriff, on or before the first day of the district court of his county, to make out a statement of all monies by him received or collected on fines, penalties and forfeitures incurred, or judgments in behalf of the State, and paid over by him to the district attorney for the State, stating particularly in what cases it was collected or received, and to report the same to the comptroller of public accounts. Statement of accounts.

Sec. 18. Be it further enacted, That this act shall take effect and be in force from and after the second Monday in July next, and that from and after that time, all laws and parts of laws conflicting with this act, be, and the same are hereby repealed.

Approved, 12th May, A. D. 1846.

AN ACT

To create a Land District, composed of the Counties of San Patricio and Nueces.

Section 1. Be it enacted by the Legislature of the State of Texas, That the counties of San Pa-

tricio and Nueces shall compose one Land District, and the surveyor for said district, shall be elected by the qualified electors for said counties, and shall keep his office at the county seat of the county of Nueces; any law to the contrary notwithstanding.

Sec. 2. Be it further enacted, That this act be in force from and after its passage.

Approved, 13th May, A. D. 1846.

AN ACT

To define the time of holding the Courts in the several Judicial Districts of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That a district court shall be held in each county in this State, twice in each year, and each court shall commence on the days and may continue for the terms hereinafter specified. The courts in the first judicial district shall be held:

In the county of Matagorda, on the second Mondays in March and September, and may continue in session two weeks.

In the county of Wharton, on the second Mondays after the second Mondays in March and September, and may continue in session one week.

In the county of Colorado, on the third Mondays after the second Mondays in March and September, and may continue in session one week.

In the county of Austin, on the fourth Mondays after the second Mondays in March and September, and may continue in session one week.

In the county of Fort Bend, on the fifth Mondays after the second Mondays in March and September, and may continue in session one week.

In the county of Brazoria, on the sixth Mondays after the second Mondays in March and September, and may continue in session two weeks.

In the county of Galveston, on the eighth Mon-

days after the second Mondays in March and September, and may continue in session until the business before the court is disposed of.

Sec. 2. Be it further enacted, That the courts in the second judicial district shall be held:

In the county of Comal, on the first Monday in March and the third Monday in September, and may continue in session one week.

In the county of Guadalupe, on the first Monday after the first Monday [in March?] and [on] the first Monday after the third Monday in September, and may continue in session one week.

In the county of Travis, on the second Monday after the first Monday in March, and on the second Monday after the third Monday in September, and may continue in session two weeks.

In the county of Bastrop, on the fourth Monday after the first Monday in March, and the fourth Monday after the third Monday in September, and may continue in session two weeks.

In the county of Fayette, on the sixth Monday after the first Monday in March, and the sixth Monday after the third Monday in September, and may continue in session two weeks.

In the county of La Vaca, on the eighth Monday after the first Monday in March, and the eighth Monday after the third Monday in September, and may continue in session one week.

In the county of De Witt, on the ninth Monday after the first Monday in March, and the ninth Monday after the third Monday in September, and may continue in session one week.

In the county of Gonzales, on the tenth Monday after the first Monday in March, and the tenth Monday after the third Monday in September, and may continue in session two weeks.

Sec. 3. Be it further enacted, That the courts in the third judicial district shall be held:

In the county of Brazos, on the first Mondays of March and October, and may continue in session one week.

In the county of Leon, on the first Mondays after the first Mondays in March and October, and may continue in session one week.

In the county of Limestone, on the second Mondays after the first Mondays in March and October, and may continue in session one week.

In the county of Navarro, on the third Mondays after the first Mondays in March and October, and may continue in session one week.

In the county of Robertson, on the fourth Mondays after the first Mondays in March and October, and may continue in session two weeks.

In the county of Milam, on the sixth Mondays after the first Mondays in March and October, and may continue in session one week.

In the county of Burleson, on the seventh Mondays after the first Mondays in March and October, and may continue in session one week.

In the county of Washington, on the eighth Mondays after the first Mondays in March and October, and may continue in session until the business is disposed of.

Sec. 4. Be it further enacted, That the courts in the fourth judicial district shall be held:

In the county of Calhoun, on the first Monday in March, and the third Monday in September, and may continue in session one week.

In the county of Jackson, on the first Monday after the first Monday in March, and the third Monday in September, and may continue in session one week.

In the county of Victoria, on the second Monday after the first Monday in March, and the third Monday in September, and may continue in session two weeks.

In the county of Goliad, on the fourth Monday after the first Monday in March, and the third Monday in September, and may continue in session one week.

In the county of Refugio, on the fifth Monday after the first Monday in March, and the third Monday in September, and may continue in session one week.

In the county of Nueces, on the sixth Monday after the first Monday in March, and the third Monday in September, and may continue in session one week.

In the county of San Patricio, on the seventh Monday after the first Monday in March, and the third Monday in September, and may continue in session one week.

In the county of Bexar, on the eighth Monday after the first Monday in March, and the third Monday in September, and may continue in session until the business is disposed of.

Sec. 5. Be it further enacted, That the courts in the fifth judicial district shall be held:

In the county of Jasper, on the first Mondays of March and September, and may continue in session one week.

In the county of Newton, on the second Mondays in March and September, and may continue in session one week.

In the county of Sabine, on the third Mondays in March and September, and may continue in session two weeks.

In the county of San Augustine, on the first Mondays in April and October, and may continue in session three weeks.

In the county of Shelby, on the fourth Mondays in April and October, and may continue in session two weeks.

In the county of Panola, on the second Mondays in May and November, and may continue in session one week.

In the county of Harrison, on the third Mondays in May and November, and may continue in session three weeks.

In the county of Cass, on the first Mondays in June and December, and may continue in session one week.

In the county of Upshur, on the second Mondays in June and December, and may continue in session one week.

Sec. 6. Be it further enacted, That the courts in the sixth judicial district shall be held:

In the county of Angelina, on the first Mondays in March and September, and may continue in session one week.

In the county of Nacogdoches, on the second

Mondays in March and September, and may continue in session three weeks.

In the county of Cherokee, on the first Mondays in April and October, and may continue in session two weeks.

In the county of Houston, on the third Mondays in April and October, and may continue in session three weeks.

In the county of Anderson, on the second Mondays in May and November, and may continue in session two weeks.

In the county of Dallas, on the first Mondays in June and December, and may continue in session one week.

In the county of Henderson, on the second Mondays in June and December, and may continue in session one week.

In the county of Smith, on the third Mondays in June and December, and may continue in session one week.

In the county of Rusk, on the first Mondays in July and January, and may continue in session three weeks.

Sec. 7. Be it further enacted, That the courts in the seventh judicial district shall be held:

In the county of Montgomery, on the first Mondays in March and September, and may continue in session two weeks.

In the county of Grimes, on the third Mondays in March and September, and may continue in session one week.

In the county of Walker, on the fourth Mondays in March and September, and may continue in session one week.

In the county of Polk, on the first Mondays in April and October, and may continue in session one week.

In the county of Tyler, on the second Mondays in April and October, and may continue in session one week.

In the county of Jefferson, on the third Mondays in April and October, and may continue in session one week.

In the county of Liberty, on the fourth Mondays in April and October, and may continue in session two weeks.

In the county of Harris, on the second Mondays after the fourth Mondays in April and October, and may continue in session until the business is disposed of.

Sec. 8. Be it further enacted, That the courts in the eighth judicial district shall be held:

In the county of Bowie, on the last Monday in February and the second Monday in September, and may continue in session two weeks.

In the county of Titus, on the first Monday after the first Monday in March, and the third Monday in September, and may continue in session one week.

In the county of Hopkins, on the second Monday after the first Monday in March, and the third Monday in September, and may continue in session one week.

In the county of Hunt, on the third Monday after the first Monday in March, and the third Monday in September, and may continue in session one week.

In the county of Collin, on the fourth Monday after the first Monday in March, and the third Monday in September, and may continue in session one week.

In the county of Denton, on the fifth Monday after the first Monday in March, and the third Monday in September, and may continue in session one week.

In the county of Grayson, on the sixth Monday after the first Monday in March, and the third Monday in September, and may continue in session one week.

In the county of Fannin, on the seventh Monday after the first Monday in March, and the third Monday in September, and may continue in session two weeks.

In the county of Lamar, on the ninth Monday after the first Monday in March, and the third Monday in September, and may continue in session two weeks.

In the county of Red River, on the eleventh Monday after the first Monday in March, and the third Monday in September, and may continue in session until the business is disposed of.

Sec. 9. Be it further enacted, That all process heretofore returnable to the regular terms of the district courts, shall be returnable at the terms herein prescribed; and all laws and parts of laws conflicting with or contray to the provisions of this act, be, and the same are hereby repealed; and that this act take effect from and after its passage.

Passed, May 11th, A. D. 1846.

AN ACT

To Incorporate the City of New Braunfels.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the city of New Braunfels, in Comal county, be, and they are hereby constituted and declared from and after the passage of this act, a body politic and corporate, by the name and title of the "City of New Braunfels," and by that name they are authorized to hold and dispose of any property, real, personal and mixed, to sue and be sued, and defend in all courts and in all actions and matters whatsoever; and may have a common seal, which, with the signature of the mayor of the city, shall be evidence of their acts, and generally to do any and every thing not repugnant to this act of incorporation, nor to the constitution and laws of this State.

Sec. 2. Be it further enacted, That it shall be the duty of the chief justice of Bexar county, to order an election to be held as early as practicable, after the passage of this act, upon giving ten days notice thereof, for the election of one mayor and eight aldermen, who shall constitute the city council: Provided, that the mayor shall hold his office for the term of one year: And further pro-

vided, that the aldermen shall keep their offices for the term of two years, except the first four elected with the lowest vote, who shall vacate their seats at the expiration of the first year, in a manner that one-half shall be chosen annually thereafter.

Sec. 3. Be it further enacted, That the city council may lay off the city in a suitable number of wards, in a manner that every ward shall be entitled to a certain number of aldermen, and shall decide upon the places and time of keeping open the polls for election; and that annually an election shall be held by the mayor for the above named officers, appointing presiding officers at least ten days before the expiration of the term of their office, according to the laws concerning elections, and that the judges of the election shall make the certificate to the officers elected, and that the said city council shall name by ballot annually in the first session after their election, one recorder, one treasurer, one city marshal, and all other subordinate officers.

Sec. 4. Be it further enacted, That the mayor and aldermen, recorder, treasurer and city marshal, appointed by virtue of this act; also, all subordinate officers to be appointed under the same, shall, before they enter upon the duties of their said offices respectively, shall take and subscribe an oath to perform the duties thereof according to the best of their knowledge and ability, which oath shall be taken by the said mayor before the chief justice of the county, and by each of the other officers, before the mayor.

Sec. 5. Be it further enacted, That the limits of the city of New Braunfels shall be comprehended within three miles in every direction, from the centre of the square.

Sec. 6. Be it further enacted, That the mayor shall convene the council whenever required to do so, and shall be president of the council; but in cases of absence of the mayor from any cause, the city council shall have power to choose one of their number to preside, and their acts shall be as valid at such meetings, as if the mayor was present; and in case the office of mayor or alderman

shall become vacant, by death, resignation, or any other cause, the city council may order an election in the manner aforesaid, to fill the vacancy.

Sec. 7. Be it further enacted, That a majority of the whole number of the city council shall form a quorum, with power to act, and that no tax shall be levied by any meeting of the city council, which consists of less than the whole number elected.

Sec. 8. Be it further enacted, That the city council of New Braunfels shall have full power and authority to make and pass by-laws and ordinances as they shall deem necessary for the benefit of said city, and to make such regulations which may contribute to the better administration of the affairs of such corporation, as well as for the maintenance of the public tranquility and safety of said city, not repugnant to this act of incorporation, and the constitution and laws of the State.

Sec. 9. Be it further enacted, That the city council shall have power to call out the citizens to protect the persons or property of the citizens when they may be threatened with danger from any source.

Sec. 10. Be it further enacted, That the city council may determine the compensation of the mayor and other officers of the city.

Sec. 11. Be it further enacted, That the Treasurer shall give bond with sufficient security for the faithful performance of his duties, the amount of said bond of security to be determined by the city council, and that the city marshall shall give a bond and security, and shall be entitled to the same fees as ordinary constables; that it shall be the duty of the city marshal to act as police officer to preserve the quiet of the city, and to inform the mayor of all breaches committed against the ordinances of the city council.

Sec. 12. Be it further enacted, That the mayor shall have and exercise jurisdiction civil and criminal as allowed by law to justices of the peace.

Sec. 13. Be it further enacted, That the city council shall have power to lay a reasonable tax on all persons and property, both real and personal.

in said city, and also to lay a tax on all taverns and houses of public entertainment, on all grog shops, billiard tables and nine-pin alleys, and merchants wholesale or retail: Provided, that no corporation taxes assessed by the city council shall exceed the one-fifth of one per cent. ad valorem, and in no case shall a license tax exceed fifty dollars, except in cases of grog shops; and that upon the failure of any person or persons to pay their quota of taxes, or license, the assessor's list, in possession of the officer charged by the city council with the collection of said taxes, shall operate and have the force and effect of an execution, and he shall advertise for sale, all property, the taxes upon which have not been paid, or sufficient thereof to satisfy the taxes, and it will be sufficient to post the debtors in writing in three public places in said city for sixty days previous to the sale.

Sec. 14. Be it further enacted, That no person shall be eligible to hold any office in said corporation, or to vote for the officers thereof, unless he shall have resided at least six months in said corporation immediately preceding such election.

Sec. 15. Be it further enacted, That this act shall only go into effect upon the acceptance thereof by a majority of the resident citizens of New Braunfels, which shall be made known at the election for county officers, on the 2d Monday in July next, at which election the citizens of said town who have resided therein six months, may be allowed to vote on the acceptance or rejection of this charter.

Passed, 11th May, A. D. 1846.

AN ACT

For the regulation of Limited Partnerships.

Section 1. Be it enacted by the Legislature of Definition of the State of Texas, That limited partnerships for the term.

the transaction of any mercantile, mechanical, manufacturing or other business, except banking, within this State, may be formed by two or more persons, upon the terms, with the rights and powers, and subject to the conditions and liabilities herein prescribed; but the provisions of this act shall not be construed to authorize any such partnership for the purpose of banking or making insurance.

General and special partners.

Sec. 2. Be it further enacted, That such partnerships may consist of one or more persons, who shall be called the general partners, and who shall be jointly and severally responsible as general partners now are by law, and of one or more persons who shall contribute in actual cash payments, a specific sum as capital to the common stock, who shall be called special partners, and who shall not be liable for the debts of the partnerships beyond the fund so contributed by him or them to the capital.

General partners only to do the business.

Sec. 3. Be it further enacted, That the general partners only shall be authorized to transact business and sign for the partnership, and to bind the same.

Certificate. Form of partnership; general and special.

Sec. 4. Be it further enacted, That the persons desirous of forming such partnerships, shall make and severally sign a certificate which shall contain—first, the name or firm under which such partnership is to be conducted; second, the general nature of the business intended to be transacted; third, the names of all the general and special partners interested therein, distinguishing which are general and which are special partners, and their respective places of residence; fourth, the amount of capital which each special partner shall have contributed to the common stock; and fifth, the period at which the partnership is to commence, and the period at which it is to terminate.

Certificate to be acknowledged.

Sec. 5. Be it further enacted, That the certificate shall be acknowledged by the several persons signing the same, before a judge of the supreme or district court or notary public, and such acknowledgment shall be made and certified in the same manner as the acknowledgment of the conveyances of lands.

Sec. 6. Be it further enacted, That the certificate so acknowledged and certified, shall be filed in the office of the clerk of the court of the county in which the principal place of business of the partnership shall be situated, and shall also be recorded by him at large, in a book to be kept for that purpose, open to public inspection. If the partnership shall have places of business situated in different counties, a transcript of the certificate, and of the acknowledgment thereof, duly certified by the clerk in whose office it shall be recorded, shall be filed and recorded in like manner in the office of the clerk of the county court of every such county.

Certificate to be filed and recorded.

Sec. 7. Be it further enacted, That at the time of filing the original certificate with the evidence of the acknowledgment thereof, as before directed, an affidavit of one or more of the general partners shall also be filed in the same office, stating that the sums specified in the certificate to have been contributed by each of the special partners to the common stock, have been actually and in good faith paid in cash.

Sums contributed by special partners to be stated on oath.

Sec. 8. Be it further enacted, That no such partnership shall be deemed to have been formed until a certificate shall have been made, acknowledged, filed and recorded, nor until an affidavit shall have been filed as above directed; and if any false statement be made in such certificate or affidavit, all the persons interested in such partnership shall be liable for all the engagements thereof as general partners.

Special partnership not recognised until certificate be filed, &c.

Sec. 9. Be it further enacted, That the partners shall publish the terms of the partnership when registered, for at least six weeks, immediately after such registry, in such newspapers as shall be designated by the clerk in whose office such registry shall be made; and if such publication be not made, the partnership shall be deemed general.

Publication to be made.

Sec. 10. Be it further enacted, That an affidavit of the publication of such notice by the printer

Affidavit of such publication.

of the newspapers in which the same shall be published, may be filed with the clerk directing the same, and shall be evidence of the facts therein contained.

Renewal of partnership to be certified, &c.

Sec. 11. Be it further enacted, That every renewal or continuance of such partnership beyond the time originally fixed for its duration, shall be certified, acknowledged and recorded, and an affidavit of a general partner be made and filed, and notice given in the manner herein required, for its original formation; and every such partnership which shall be otherwise renewed or continued, shall be deemed a general partnership.

Alteration of names, business, &c. shall dissolve the special partnership in law.

Sec. 12. Be it further enacted, That every alteration which shall be made in the names of the partners, in the nature of the business, or in the capital or shares thereof, or in any other matter specified in the original certificate, shall be deemed a dissolution of the partnership, and every such partnership which shall in any manner be carried on after any such alteration shall have been made, shall be deemed a general partnership, unless renewed as a special partnership, according to the provisions of the last section.

Names of general partners only used in the firm.

Sec. 13. Be it further enacted, That the business of the partnership shall be conducted under a firm in which the names of the general partners only shall be inserted, without the addition of the word "company," or any other general term; and if the name of any special partner be used in such firm, with his privity, he shall be deemed a general partner.

Suits brought against general partners only.

Sec. 14. Be it further enacted, That suits in relation to the business of the partnership, may be brought and conducted by and against the general partners, in the same manner as if there were no special partners.

Sum contributed by special partner shall not

Sec. 15. Be it further enacted, That no part of the sum which any special partner shall have contributed to the capital stock shall be with-

drawn by him, or paid or transferred to him in the character of dividends, profits, or otherwise, at any time during the continuance of the partnership: but any partner may annually receive lawful interest on the sum so contributed by him, if the payment of such interest shall not reduce the original amount of such capital; and if, after the payment of such interest, any profit shall remain to be divided, he may also receive his portion of such profits.

be withdrawn by him, or any part thereof.

Sec. 16. Be it further enacted, That if it shall appear, that by the payment of interest or profits to any special partner, the original capital has been reduced, the partner receiving the same shall be bound to restore the amount necessary to make good his share of the capital, with interest.

Special partner must keep up his original investment in the firm.

Sec. 17. Be it further enacted, That a special partner may from time to time examine into the state and progress of the partnership concerns, and may advise as to their management.

Special partner may examine affairs of the firm.

Sec. 18. Be it further enacted, That the general partners shall be liable to account to each other, and to the special partners, for their management of the concern, both in law and equity, as other partners now are by law.

General partners accountable for management.

Sec. 19. Be it further enacted, That every partner who shall be guilty of any fraud in the affairs of the partnership, shall be liable civilly to the party injured, to the extent of his damage, and shall also be liable to an indictment for a misdemeanor, punishable by fine or imprisonment, or both, at the discretion of the court and jury by which he shall be tried.

Fraud by any partner punished.

Sec. 20. Be it further enacted, That every sale, assignment or transfer of any property or effects of the partnership made by such partnership, when insolvent, or in contemplation of insolvency, or after, or in contemplation of insolvency of any partner, with the intent of giving a preference to any creditor of such partnership, or in-

Preference, assignments, &c. void.

solvent partner, over other creditors of such partnership, and every judgment confessed, lien created or security given by any such partnership, under like circumstances, and with like intent, shall be void as against creditors of the partnership.

Assignments, &c. made by any partner, general or special, in fraud, shall be void.

Sec. 21. Be it further enacted, That every such sale, assignment or transfer of any of the property or effects of a general or special partner, made by such general or special partner when insolvent, or in contemplation of insolvency, or after, or in contemplation of the insolvency of the partnership, with the intent of giving to any creditor of his own, or of the partnership, a preference over the creditors of the partnership, and every judgment confessed, lien created, or security given by any such partner, under like circumstances, and with like intent, shall be void as against the creditors of the partnership.

Special partner violating section 21, shall be held a general partner.

Sec. 22. Be it further enacted, That every special partner who shall violate any provision of the last two preceding sections, and who shall concur in or assent to any such violation of the partnership, by any individual partner, shall be liable as general partner.

No special partner can claim until all other creditors are satisfied.

Sec. 23. Be it further enacted, That in case of the insolvency or bankruptcy of the partnership, no special partner shall, under any circumstances, be allowed to claim as creditor, until the claims of all other creditors of the partnership shall be satisfied.

Dissolution does not take effect until notice.

Sec. 24. Be it further enacted, That no dissolution of such partnerships by the acts of the parties, shall take place previous to the time specified in the certificate of its formation, or in the certificate of its renewal, until a notice of such dissolution shall have been filed and recorded, and published once in each week for four weeks, in a newspaper printed in each of the counties where the partnership may have a place of business, if there be such papers, and if there be no

newspapers published in such county, then in a newspaper published in the nearest county where there is one.

Passed, 12th May, A. D. 1846.

AN ACT

To Incorporate the City of Austin.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the city of Austin, in the county of Travis, are hereby declared a body politic and corporate, by the name and title of the "Corporation of the City of Austin," and by that name may sue and be sued, plead and be impleaded in all courts and in all actions and matters whatsoever, and by the same name may purchase, hold and dispose of any estate, real or personal, within the limits of the city for the use of the corporation, and may have a common seal, which they may alter and change at their pleasure.

Sec. 2. Be it further enacted, That the limits of the city of Austin shall be the same as the site selected by the commissioners appointed under an act of Congress of the Republic of Texas, dated January the fourteenth, one thousand eight hundred and thirty-nine, for locating permanently the seat of government, being bounded by the lines of the six hundred and forty acres now run off into city lots.

Sec. 3. Be it further enacted, That there shall be elected the following officers for the said city, viz: one mayor and six aldermen, who shall constitute the city council. There shall also be elected one recorder, whose duty it shall be to keep a correct record of all the proceedings of the city council, and said recorder shall perform the duties of treasurer for the corporation.

Sec. 4. Be it further enacted, That there shall be elected by the city council, a marshal, and such other subordinate officers as they may deem necessary to carry into effect the provisions of this act; and said marshal shall perform the duties of assessor and collector of taxes, under such regulations as required by the council.

Sec. 5. Be it further enacted, That the mayor, aldermen, recorder, marshal, and all other officers that may be appointed by this act, before entering upon the duties of their respective offices, shall take and subscribe an oath to perform the duties thereof, to the best of their skill and ability, which oath may be taken by the mayor before any person legally authorized to administer an oath, and by each of the other officers, before the mayor.

Sec. 6. Be it further enacted, That whenever the city council shall deem it necessary to suppress riot and disturbances, or to protect the persons and property of the citizens, when they may be threatened with danger from any cause, they shall have the power to call out the citizens, to appoint a place of rendezvous, and to organize a patrol or city guard, to be continued as long as in their discretion the circumstances may require; and if any citizen, after having been notified by the city marshal or any subordinate officer to attend at a place of rendezvous, or to act as a member of the city guard, shall fail to do so, without good and sufficient cause shewn, he shall be fined in a sum of not less than five, nor more than fifty dollars.

Sec. 7. Be it further enacted, That the city council shall have full power to make and pass such by-laws and ordinances as they shall deem necessary to maintain the cleanliness and salubrity of the city, to secure the safety and convenience of passing in the streets and squares, ways and alleys, and other public passways, to fix the squaring, and prevent any encroachments or other undertakings on the same; to determine

the dimensions and completions, the maintainance and repair of pavements in the streets and ways, at the cost of the proprietors of houses, lands or neighboring lots, to regulate the wharves and levees or landing places along the banks of the river: Provided, however, that this act shall not be so construed as to give the city council any power or authority to alter, occupy or change, in any manner, the ways, squares, streets, or alleys as laid down and surveyed according to the plan of the city as now known and established, unless they shall have first obtained the written consent of every person owning lots fronting on the particular square, street or alley, proposed to be altered, occupied or closed.

Sec. 8. Be it further enacted, That it shall be the duty of the mayor and recorder, to hold a recorder's court, and they or either of them shall have the full jurisdiction, civil and criminal, within the corporate limits of said city, of an ordinary justice of the peace, and shall be entitled to the same fees, and they shall also try all offences that may be committed against the city ordinances, and with the intervention of a jury under the rules regulating proceedings in justices courts, may assess fines for breaches of the same, said fines to inure to the benefit of the city; and in case any person shall refuse or neglect to pay any fine levied by the mayor and recorder, they may issue execution therefor, directed to the marshal or his deputy, and returnable forthwith.

Sec. 9. Be it further enacted, That the Governor is hereby authorized to commission the mayor and recorder as justices of the peace, for and during the time they may fill said offices.

Sec. 10. Be it further enacted, That it shall be the duty of the mayor to preside at the meetings of the city council, and to convene them whenever required to do so by three of the aldermen. But in case of the absence of the mayor from any cause whatever, the board of aldermen shall

have power to choose one of their own body to preside, and their acts shall be as valid at such meeting, as if the mayor was present.

Sec. 11. Be it further enacted, That the first election for mayor, aldermen, and recorder, shall be held as soon as may be after the passage of this act, by the chief justice of the county issuing his writ to some citizen of the city of Austin, directing him to act as presiding officer, to appoint three judges and two clerks to hold said election, who shall be sworn to the faithful performance of their duties; and said presiding officer shall post up a written notice in three or more public places in the city, at least five days before the election, of the time and place of holding the same, the polls for this purpose to be kept open from 10 o'clock, A. M., until 3 o'clock P. M., and after counting the votes in the presence of the three judges, the presiding officer shall cause a correct list thereof to be made out and signed by said judges, which list shall be sealed up and transmitted forthwith to the chief justice, who shall thereupon give a certificate to the persons elected, who shall thereby be empowered to enter upon the duties of their office, according to the provisions of this act: said officers at said election to be elected by the entire qualified voters of said corporation; and immediately after entering upon the duties of their office, the city council shall lay off the city into six wards, and at all subsequent elections, the mayor and recorder shall be elected by the joint ballot of all the wards, and each ward shall be entitled to elect one alderman, and no more.

Sec. 12. Be it further enacted, That after the first election, it shall be the duty of the city council to regulate the proceedings of the election of city officers, to decide upon the places and time of keeping open the polls, always giving ten days notice of each election, by posting advertisements in each ward, and by publication in one of the newspapers printed in the city; and in case

the office of mayor should become vacant by any cause whatever, it shall be the duty of the aldermen forthwith to order an election to fill the vacancy; and in case of the vacancy of the entire council, it shall be the duty of the chief justice of the county to order an election to fill the vacancies, in accordance with the foregoing provisions.

Sec. 13. Be it further enacted, That the regular election for mayor, aldermen and recorder, shall be annually, on the second Monday in December.

Sec. 14. Be it further enacted, That no election shall be contested by any person, unless within ten days after holding the same; and any person intending to contest, shall cause the person having the certificate of election to be notified thereof, at least three days before the time he intends to appear and contest the election, and shall cause a statement in writing to be delivered to him by the city marshal, or his deputy, stating the grounds upon which he relies to sustain the contest; and in case the candidate elect cannot be found, then the notice and statement shall be left at his usual place of residence. No ex parte testimony shall be received as evidence in any contested election, without the consent of the other party; and in all cases of contested elections, the city council shall have power to determine as to the legality and number of votes, or any other grounds upon which said contest may be made, and decide upon the candidate entitled to a certificate of election; and all elections ordered by the council, returns shall be made to the recorder, and it shall be his duty to open them in the presence of the council, and he shall make a correct entry of the same in his journals, and issue certificates of election to the candidates elected.

Sec. 15. Be it further enacted, That a majority of the whole council elected, shall constitute a quorum for transacting business, except in case

of levying taxes, when a vote of two-thirds shall be required.

Sec. 16. Be it further enacted, That the city council may determine the compensation of the mayor, recorder and other subaltern officers.

Sec. 17. Be it further enacted, That the recorder, before entering upon the duties of his office, shall give bond with good and sufficient security, in such sum as the city council shall direct, and subject to their approval, payable to the chief justice of Travis county and his successors in office.

Sec. 18. Be it further enacted, That the city council shall have power to levy a reasonable tax on all persons and property, both real and personal in said city: Provided, that said tax to be levied at the beginning of each year, and to be collected on or before the first day of June. They shall also have power to levy and collect a tax on all taverns and houses of public entertainment, tippling houses, billiard tables, nine or ten pin alleys, and merchants retail or wholesale; Provided, That nothing in this section shall be so construed as to prevent the council from levying and collecting a tax, as above provided, for the present year.

Sec. 19. Be it further enacted, That it shall be the duty of the marshal and his deputies, appointed by the council, to act as police officers, to preserve the quiet of the city, and to inform the mayor or recorder of all breaches committed against the city ordinances.

Sec. 20. Be it further enacted, That no person shall be eligible to any office, or entitled to vote for city officers, unless he shall be a citizen of the State, and shall have resided in this city at least three months, and owns or rents real estate in said corporation. The officers elected at the first election, shall hold their offices until the first day of January, 1847, and the officers elected at all regular elections, shall hold their offices for twelve months from the first day of January

next succeeding the election, or until their successors are qualified.

Sec. 21. Be it further enacted, That this act shall be in force and take effect from its passage, and that all laws conflicting with the provisions thereof, be, and the same are hereby repealed.

Passed, 11th May, A. D. 1846.

AN ACT

Authorizing the County Court of Brazoria County to have a Duplicate made of the Record Book of Deeds and other Instruments of Writing, numbered and known as Book C, in the office of the Clerk of said County.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county court of Brazoria county, be, and they are hereby authorized to have made by the clerk of said court, under their direction, a duplicate of the record book of deeds and other instruments of writing, numbered and known as book C, in the office of said clerk, or so much of said record book C as may be sufficiently legible to be copied by said clerk.

Sec. 2. Be it further enacted, That when the duplicate of said record book C shall have been completed by said clerk, as provided for in the preceding section, it shall be the duty of said court to have the said duplicate examined and compared with the original by the said clerk and some other competent person, and if they find it necessary to make any alterations in said duplicate, so that the same shall agree with the original, they shall note all such alterations at the end thereof, stating the line and page in which all such alterations are made; and at the end of said duplicate they shall enter a certificate, signed by

them, stating that they have examined and compared said duplicate with the original, and find the same to be correct, which certificate shall be sworn to by them, and the affidavit and certificate thereof shall also be recorded at the end of said duplicate.

Sec. 3. Be it further enacted, That after said examination and comparison shall have been made, in the manner provided for in the preceding section, the said duplicate shall be submitted to the said county court for approval, and if approved, the judges holding said court shall make a certificate at the end thereof, stating such approval, after which said duplicate shall be deposited in the office of the recorder of said county, and shall be as valid, and shall have the same force and effect, as a record, that the original might or could have.

Sec. 4. Be it further enacted, That all copies made by the recorder of said county from the said duplicate record book C, shall be as valid, and shall have the same force and effect as copies from the original might or could have.

Sec. 5. Be it further enacted, That the county court of said county of Brazoria are authorized to make such allowance to the clerk of said court, and the person selected to assist him in making such examination and comparison, as said court shall think reasonable for their services, to be paid out of the county treasury.

Approved, 13th May, A. D. 1846.

AN ACT

Giving concurrent jurisdiction to the District and Inferior Courts in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That in all cases where any part

of a river, water course, highway, road or street shall be the boundary line between two counties, the district and other inferior courts, judges, justices, and all district and inferior officers shall have concurrent jurisdiction in all cases over the extent of such parts of said river, water course, highway, road or street which shall be the boundary of such district or county, to all intents and purposes, as if such parts of said river, water course, highway, road or street was within the body of such district or county: Provided, however, that no person or persons shall be twice punished for the same offense committed on any such parts of a river, water course, highway, road or street as aforesaid.

Sec. 2. Be it further enacted, That so much of any act or acts as conflict with this act shall be and the same is hereby repealed.

Passed, 11th May, A. D. 1846.

AN ACT

To make valid and efficient Copies of Field Notes which have been heretofore, or may be hereafter, lost or accidentally destroyed.

Section 1. Be it enacted by the Legislature of the State of Texas, That when the original field notes of any survey made by authority of law, shall have been heretofore, or may be hereafter, lost or accidentally destroyed, it shall be lawful for the party who owned the same, or his agent, on making affidavit of the loss or destruction of such field notes and filing the same in the office of the county surveyor, to apply to the county surveyor of the county where the survey was made and recorded, and obtain from him a certified copy of the record thereof, which copy shall be as valid

and efficient in law as the original was, and shall secure to the party all the rights, before the commissioner of the general land office, that the original would have done.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

Passed, 9th May, A. D. 1846.

AN ACT

Providing for the Transfer of Records of Administrators to new Counties.

Sec. 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of the county [clerk of the?] court of probate of any county from which any county, or part thereof, has been or may hereafter be taken, to transmit all original papers relating to the settlement of estates of deceased persons, who were at the time of their decease, residents of that part of the territory of the county which has been or may hereafter be taken to from [form] any new county, to the probate court of such new county, upon the petition of any executor, or administrator, or guardian, or a majority of the heirs of any such estate; and he shall also transmit, with such original papers, a transcript, certified under the seal of the court, of the records of all proceedings had in relation to such estates in his court: Provided, that at the time of filing such petition, the party filing it shall pay all fees due on account of such estate.

Sec. 2. Be it further enacted, That previous to the transmission of any such original papers, in the manner provided for in the preceding section, the judge to whom such petition is presented shall cause a registry of all such original papers

as have not been recorded, to be made in his office, for which the same fees shall be allowed as is allowed for other recording.

Sec. 3. Be it further enacted, In all cases when the papers and proceedings relating to the settlement of an estate shall be transmitted to any court, in the manner provided for in this act, such estates shall be proceeded in and settled in the probate court of such county in like manner as if the settlement of such estate had been originally commenced in such county, and the transcript of the record, transmitted in the manner provided for in this act shall have the same force and effect in evidence as the record itself might or could have: Provided, that the provisions of this act shall not extend to the counties of Jackson, Victoria, Gonzales, Bexar, Goliad, Refugio, San Patricio and Colorado.

Sec. 4. Be it further enacted, That this act shall take effect from and after its passage.

Approved, 13th May, A. D. 1846.

AN ACT

Defining the Duties of District Attornies.

Section 1. Be it enacted by the Legislature of the State of Texas, That each district attorney before entering on the duties of his office shall give a bond payable to the Governor and his successors in office, for the use of the State, in the sum of five thousand dollars, to be approved by the district judge of their respective districts, with not less than two sureties, conditioned that he will faithfully pay over in the manner prescribed in this act all money which he may collect for the use of the State, and shall take and subscribe the oath prescribed by the constitution, which, to- <sup>Bond re-
quired.</sup>

gether with the bond, shall be deposited in the office of the comptroller of public accounts, which bond shall not be void on the first recovery, but may be sued on from time to time.

Duties of district attorney.

Sec. 2. Be it further enacted, That it shall be the duty of each district attorney to attend all terms of the district court in the district in which he may have been elected, to conduct all prosecutions for crimes and offences cognizable in such court, to prosecute and defend all other actions in which this State is interested, and to perform such other duties as may be prescribed by the constitution and laws of the State. They shall severally reside within the district for which they were elected, and shall notify the attorney general and comptroller of public accounts of the county of their residence.

Salary to abate on failure of attendance.

Sec. 3. Be it further enacted, That when any district attorney shall fail to attend any of the terms of the court above specified, his salary shall be liable to such deduction as may be prescribed by law.

Shall report to attorney general.

Sec. 4. Be it further enacted, That each district attorney shall report to the attorney general semi-annually, at the close of the courts of their respective districts, in such form as he may prescribe, the number of indictments which have been found by the grand juries in his district for the preceding half year, specifying the offences charged therein, the number of arraignments, convictions and acquittals for each offence, the number of indictments which have been disposed of without the intervention of a petit jury, with the cause and manner of such disposition, and also a summary of the judgments rendered on such convictions, specifying the offence, the nature and amount of the penalty imposed, and the amount of fines and penalties collected.

Shall give attorney general information.

Sec. 5. Be it further enacted, That the district attorney shall, from time to time, give to the attorney general such information as he may require as to their official acts.

Sec. 6. Be it further enacted, That each district attorney, at the request of any assessor or collector of taxes, or county treasurer, in the district for which he may have been elected, shall give an opinion in writing in all cases touching the public interest, or concerning the revenue of the State.

Shall give an opinion to collector, &c. of taxes.

Sec. 7. Be it further enacted, That each district attorney shall give such directions to the district clerks, and sheriffs in the several counties of their respective districts as he may deem necessary to ensure the collection of all money for which judgments may have been rendered in favor of the State.

Shall give directions to clerks and sheriffs.

Sec. 8. Be it further enacted, That it shall be the duty of the several district attorneys, whenever they collect any money for the use of the State, to deliver to the officer or person paying the same, duplicate receipts therefor.

Shall give duplicate receipts for money.

Sec. 9. Be it further enacted, That each district attorney shall, on or before the last day of October, in each year, file in the office of the comptroller of public accounts, an account in writing, verified by his affidavit, of all money received by him by virtue of his office during the preceding year, and payable by law into the treasury of the State, and shall, at the same time, pay such money into the treasury, retaining the commissions thereon allowed by law.

Shall file his accounts with comptroller.

Sec. 10. Be it further enacted, That each district attorney shall also file a like account, verified in like manner, in the office of the county treasurer of each county in his district, of all money received by him in such county by virtue of his office during the preceding year and payable by law into the treasury of the State.

Also with county treasurer.

Sec. 11. Be it further enacted, That should any person who may have been elected district attorney fail, on or before the first day of the first term of the district court in his district, to enter into bond, as required by this act, it shall be the duty of the judge of the district court of said district to appoint some other competent person

Failure to give bond, another shall be appointed.

to discharge, pro tempore, the duties assigned by this act to said officer: Provided, however, that such appointment shall in no instance extend beyond the term of the said district court in any one county.

Shall not be
counsel for a
party charged
with crime.

Sec. 12. Be it further enacted, That no district attorney shall act as attorney or counsel for any party to an action wherein such party is charged with a crime, with a misdemeanor or a breach of a penal statute, nor where the interest of such party is adverse to that of the State.

Admissions
made by dis-
trict attorney
shall not prej-
udice the
State.

Sec. 13. Be it further enacted, That no admission made by the district attorney in any suit or action in which the State is a party shall operate to prejudice the interests of the State.

Shall keep a
register.

Sec. 14. Be it further enacted, That each district attorney shall keep in proper books, to be procured for that purpose, at the expense of the State, a register of all his official acts and reports, and of all actions and demands prosecuted or defended by him, of all proceedings had in relation thereto; and shall deliver the same over to his successor in office.

Sec. 15. Be it further enacted, That all laws and parts of laws contrary to or in conflict with this act, are hereby repealed; and that this act take effect from and after its passage.

Approved, 13th May, A. D. 1846.

AN ACT

To organize Justices' Courts and to define the powers and jurisdiction of the same.

Two justices
to be elected
for each pre-
cinct; their
duties, &c.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be elected by the qualified electors of each justice's precinct in the several counties in this State, two justices

of the peace for their respective districts, who shall be commissioned by the Governor, and shall hold their offices for the term of two years, who shall take the oath prescribed by law for all officers of this State; and it shall be lawful for the said justices so selected, after entering into bond, conditioned that he shall well and truly account for and pay over to the county treasurer all money which may come into his hands for the use of the county, and also, that he shall well and truly account for and pay over to the treasurer of the State, all money that may come into his hands for the use of the State, with security, in the sum of five hundred dollars, payable to and approved by the chief justice of the county court of the proper county, and taking the oath of office, to enter immediately upon the discharge of their duties, and their acts shall be as valid in law as if they had received commissions.

Sec. 2. Be it further enacted, That in every case, the bonds of justices of the peace shall be filed in the clerk's office of the county court of the county in which such justice resides; and in all cases where any person has been elected justice of the peace, and neglects to enter into the necessary bond, and take the oath of office within twenty days after receiving notice of his election, the election shall be deemed void, and the chief justice of the county shall thereupon order a new election.

Bonds of justices to be filed in county court.

Sec. 3. Be it further enacted, That any justice of the peace who shall be guilty of any misconduct or misdemeanor in office, may be prosecuted by indictment of the grand jury of the proper county, and on conviction in the district court of the county, shall vacate his office and be thereafter incapable of holding the office of justice of the peace in this State; and in every case of removal from office, death or resignation, the justice elected to fill such vacancy shall vacate his office on the day of the general election of officers of this State.

Justices may be indicted for malfeasance.

Are conserva-
tors of the
peace; may
commit to jail.

Sec. 4. Be it further enacted, That the justices of the peace shall be conservators of the peace within their respective counties, and shall have and exercise criminal jurisdiction over breaches of the peace, assaults and batteries, riots and affrays, and shall have power to take all manner of recognizance with or without security for good behaviour, to keep the peace, or for appearance before the next district court, to answer charges exhibited, or crimes committed in their respective counties; and in case any person shall refuse to enter into recognizance as aforesaid, and to find security when required, it shall be lawful for the justice of the peace to commit the person so refusing, to the county jail, there to remain until he shall comply with the order of such justice, and a full and complete transcript of the record of such justice shall be by him certified to the district court of the county at the next term thereof.

May try, and
punish by fine,
certain of-
fences; fine
not to exceed
\$50.

Sec. 5. Be it further enacted, That any justice of the peace shall by warrant, under his hand, cause any person or persons charged on oath, or which may come to his knowledge by view or confession, of having been guilty of breach of the peace, assault and battery, assaults, riots and affrays, to be brought before him for trial, and if found guilty, shall proceed to collect such fine, as may be assessed, not exceeding fifty dollars, and on payment of such fine as may be assessed, the justice receiving the same, shall certify the fact to the next term of the district court, to be held in the county where the offence was committed, which certificate shall be a bar to further prosecution for the same offence: Provided, that in no case shall a justice of the peace exercise jurisdiction by finally trying a case where deadly weapons were used or attempted to be used: And further provided, that in all cases where justices of the peace shall have jurisdiction in the trial of cases where the penalty for the violation of a law is fine and imprisonment, (except in cases of contempt). the

accused shall have the right of trial by a jury of the county, who shall find and assess the amount of punishment to be inflicted or fine imposed.

Sec. 6. Be it further enacted, That any justice of the peace shall, by warrant under his hand, cause any person or persons charged on oath, or which may otherwise come to his knowledge, of having committed a crime over which the district courts of this State exercise exclusive jurisdiction, to be apprehended and brought before him; and if in the opinion of such justice, there is sufficient cause, to commit such offender to the county jail, where the offence is not bailable, or where the offender is unable or unwilling to give bail to appear before the next term of the district court to answer to the crime charged.

May commit on charge of offences cognizable by district court.

Sec. 7. Be it further enacted, That any justice of the peace shall issue a search warrant for stolen goods, on the oath of any respectable person, of which respectability the justice shall be the judge, particularly describing the place or persons suspected, and intended to be searched, and the articles for which search is made.

May issue search warrants.

Sec. 8. Be it further enacted, That when any person charged with a crime over which the district court has exclusive jurisdiction, shall be brought before any justice of the peace, the justice shall proceed to take the voluntary statement of the accused, and all the testimony produced against him, in writing, and the accused shall be at liberty to put any questions to witnesses he thinks proper, touching the offence charged, which questions and answers shall, at the time of trial, be written down as propounded and answered, and a copy of all which shall be certified to the next term of the district court, with the warrant of commitment.

Voluntary statement of accused, and all testimony, will be taken in writing.

Sec. 9. Be it further enacted, That if any person charged with a criminal offence, shall remove or escape from the county where such offence is charged to have been committed, into another county, it shall be the duty of any jus-

Warrant to be endorsed in certain cases.

tice of the county where such offender may be, to endorse the warrant of the justice issuing the same, which shall be sufficient to authorize the arrest of such person within the jurisdiction of such justice, and such offender shall be carried to the county where the crime was committed for examination.

Subpoenas
may issue to
other county.

Sec. 10. Be it further enacted, That subpoenas for witnesses may issue to any county in the State, where it is necessary to bring an offender to justice, which may be executed by any officer authorized to execute and return process in the county where such witness resides.

Justice may
depute per-
sons to exe-
cute process.

Sec. 11. Be it further enacted, That in cases of emergency, justices of the peace may depute any person of good character, to execute any civil or criminal process: Provided, in every case, the justice shall certify the fact on the back of the writ.

Fines and
penalties, how
disposed of.

Sec. 12. Be it further enacted, That all fines and penalties assessed by this act, shall be paid to the justice assessing the same, and by him paid into the county treasury, for the use of the State or county, as the case may be, on or before the first day of the term of the district court after the assessment of such fine, and any justice of the peace who shall fail to pay over such fines as may have been collected by him, for the use of the State or county, on the day aforesaid, may be sued on his bond, in the name of the chief justice, for the use of the State or county, as the case may be, in any court having jurisdiction of the same, and the court trying said case shall enter judgment for the same, interest and damages for detention, at the rate of five per cent per month until the same shall be paid.

Justices' jur-
isdiction to
\$100.

Sec. 13. Be it further enacted, That justices of the peace shall have jurisdiction over all suits and actions for the recovery of money on any account, bill, bond, promissory note, or other written instrument, or for specific articles, where the amount or value does not exceed one hundred dollars exclusive of the interest, costs and damages.

Sec. 14. Be it further enacted, That all process from a justice of the peace, shall be under the hand of such justice, directed to the officer whose duty it shall be to execute and return the same, shall be returnable at a certain time therein named, not less than ten nor more than thirty days from the time of issuing the same, and on the return thereof the justice shall proceed to hear and determine the case on its merits, give judgment, if the defendant fail to appear and contest the plaintiff's demand, which judgment shall not be made final until the next term of the court of such justice, or dismiss the case where the plaintiff fails to appear and prosecute his suit: Provided, that no case shall be dismissed, where the action is founded on a written contract for money; in such case the justice shall proceed to trial and enter such judgment as may appear to him right.

Process, how
issued and re-
turned.

Sec. 15. Be it further enacted, That in case when the plaintiff, his agent or attorney, shall make oath before the justice that the defendant is not an inhabitant of the State, and is absent beyond its limits, or that he is a transient person, so that the ordinary process of the law cannot be served upon him, such justice shall issue a citation, directed to the constable or other lawful officer, commanding him to summon the defendant, by publication in some newspaper in the county, if one be published therein, or not, then in some paper published in the nearest adjoining county, where there is one, which citation shall set forth the names of the parties, the cause of action fully stated, and the time and place at which the defendant is summoned to appear, and shall be published by the officer, at least four weeks before the return day thereof, and due return made how he has executed it. Any justice of the peace may, for good cause shown, adjourn the trial of any cause to the next term of the court of such justice, and may grant a new trial in all cases where it appears to him that justice has not been done in the trial in the case: Provided, that not more than one new trial shall be granted to either party.

Defendant not
an inhabitant
publication
shall be made.

Sec. 16. Be it further enacted, That no person

Persons must
be sued with-
in their pre-
cincts.

shall be sued before any justice of the peace, except within the precinct where such justice and defendant reside; in all cases the residence of a married man shall be considered where his family resides, and that of a single man, where he boards; but if there be no justice of the peace in the precinct where the defendant resides, such defendant may be sued in the nearest precinct where there is a justice of the peace, and in all cases where a party has no fixed place of board or residence, he may be sued before any justice of the peace in the county.

Six jurors be
summoned
and parties
put to oath.

Sec. 17. Be it further enacted, That on the trial of any civil case, if other satisfactory evidence cannot be had, than the oath of the parties, the justice, at the instance of either party, or at his own, shall cause to be summoned six jurors, who shall be householders or freeholders, of the beat or district, to try such case, and shall proceed to examine the parties on oath, and upon the verdict of the jury in the case the justice shall enter judgment.

Either party
may have jury
called to try.

Sec. 18. Be it further enacted, That in all cases before a justice of the peace, either party shall have the right of trial by jury of six men, where the amount in controversy exceeds ten dollars.

Justices may
grant stay of
execution.

Sec. 19. Be it further enacted, That a justice of the peace may grant a stay of execution on all judgments rendered by himself, in civil suits, for all sums, of whatever amount, three months: Provided, the defendant enter into bond with security to be approved by such justice, payable to the successful party, in such sum as will secure the amount of judgment, costs and interest, which bond shall have the force and effect of a judgment against the makers in case of forfeiture, and the justice shall issue execution thereon.

Appeal by
either party.

Sec. 20. Be it further enacted, That any party may appeal from any final judgment of a justice of the peace, except on a stay bond, to the next term of the district court for the county, by entering into bond with security payable to the successful party, in not less than double the amount of judgment, interest and costs, to be approved of by the justice, which bond shall be good against the makers, for the full amount of the judgment, costs and dama-

ges, which may be decreed or adjudged against them in the district court, in case the party appealing shall be cast therein.

Sec. 21. Be it further enacted, That in all cases where the party cast in any civil suit before a justice, fails to enter into the necessary bond, to obtain the benefit of the nineteenth or twentieth section of this act, within ten days from and after the rendition of such judgment, or shall fail to apply for and obtain a new trial, the justice shall issue execution against the goods and chattels, lands and tenements of such defendant or defendants, to be returnable at the time and place therein stated, not less than ninety nor more than one hundred and twenty days.

Execution shall issue if in ten days, &c.

Sec. 22. Be it further enacted, That every justice of the peace shall keep a case and execution docket, which may be in the same book, and if from any cause, a justice of the peace shall vacate his office, all the books and papers appertaining thereto shall be filed in the clerk's office of the county court, which shall be delivered to the justice elected to fill such vacancy, so soon as he shall enter into bond and take the oath of office, and the justice so elected, shall complete the business of such justice, in the same manner as if originally commenced by himself.

Docket to be kept.

Sec. 23. Be it further enacted, That no justice shall set in judgment in any suit where he may be interested, or where he may be related to either plaintiff or defendant, within the third degree of consanguinity or affinity, and in all cases the case shall be tried by the nearest justice not interested or so related.

Justice interested or related to party cannot try case.

Sec. 24. - Be it further enacted, That justices of the peace in each and every precinct in this State, shall be classed by the chief justices of their respective counties, No. 1 and No. 2. No. 1 shall be considered the first class, and shall hold their courts on the first Saturday in each and every month, and may adjourn from day to day, until the business is disposed of. No. 2 shall be considered as second class, and shall hold their courts on the third

Classes of justices.

Saturday in each and every month, and may adjourn from day to day until the business is disposed of.

Justices may issue subpoenas for witnesses, take interrogatories, &c.

Sec. 25. Be it further enacted, That any justice of the peace before whom any case is pending, shall issue subpoenas for all witnesses residing in the county, and shall have power to compel their attendance, by attachment in case of disobedience, to a subpoena, and in case any witness resides without the county, the party interested may have the benefit of such witness, by filing his interrogatories in the office of the justice trying the case, and giving the opposite party, his or her agent or attorney, five days notice, with a copy of such interrogatories, that five days after the service of the notice, the justice will issue a commission to be directed to some notary public of the county where such witness resides, requiring such notary to proceed to take the answers of such witness, to the questions or interrogatories filed, and the opposite party may file cross interrogatories at any time before the commission issues, which shall be answered in like manner as those originally filed.

Cross interrogatories.

Sec. 26. Be it further enacted, That at the expiration of five days from the service of the notice, the justice shall proceed to issue the commission, together with a true copy of all interrogatories and cross interrogatories filed in his office, and in obedience thereto the notary public to whom the same may be directed, shall cause the witness to appear before him, and shall cause the answers of the witness to be plainly written, sworn to and subscribed by the witness, which shall be certified to by the notary public, who shall envelope the same directed to the justice issuing the same, and the notary public shall seal the same and write his name across the seals, which package may be sent by mail or private conveyance, as may be convenient: Provided, the person delivering the same to the justice shall swear that the same has not been opened since the sealing of the same.

Evidence taken by interrogatories

Sec. 27. Be it further enacted, That all evidence thus taken and returned to the justice shall be read, and be as valid as if the witness was per-

sonally present and examined in open court: Provided, <sup>good, except-
ing, &c.</sup> the answers are responsive to the interrogatories: And also, provided, that the interrogatories may be subject to legal exceptions.

Sec. 28. Be it further enacted, That in all cases it shall be lawful to take the testimony of females, in civil cases, in the same manner as herein prescribed, by interrogatories and answers, whether they be residents in the county or not. The rules of evidence prescribed for the government of the district court shall apply to justices' courts when not inconsistent with the provisions of this act. <sup>Testimony of
females may
be taken by
interrogato-
ries.</sup>

Sec. 29. Be it further enacted, That the justices of the peace of this State shall have and exercise jurisdiction over all actions for torts, trespasses and other injuries, as well to person as to property, sounding in damages when the damages claimed does not exceed one hundred dollars: Provided, that in all cases arising under this section the justice shall summon a jury of six men, as in other cases, to ascertain the amount of damages. This act shall not be so construed as to deprive justices of the jurisdiction now vested in them in cases arising under an act to provide a summary remedy to enable landlords or lessors to obtain possession of lands or tenements unlawfully detained or withheld by tenants, approved, fifth February, 1840, nor under an act concerning rents, approved, sixteenth January, 1843, and an act supplementary to an act concerning rents, approved, February third, 1844, nor under an act to regulate attachments, approved, January twenty-eighth, 1839. <sup>Justices have
jurisdiction of
torts, tres-
passes, &c. to
\$100 damages.</sup>

Sec. 30. Be it further enacted, That if any justice of the peace shall fail to issue a warrant, as required in the fifth and sixth sections of this act, he shall be subject to indictment in the district court of the county, and on conviction thereof, shall be fined in a sum not less than one hundred dollars nor more than one thousand dollars. <sup>Justice indict-
able for neg-
lect.</sup>

Sec. 31. Be it further enacted, That justices of the peace may, and are hereby required to bind to the proper court, or commit to the jail of the county, any person or persons charged with an offence against the laws of the United States. <sup>May commit
for offences
against the
United States.</sup>

Judgments
must be given
in open court.

Sec. 32. Be it further enacted, That all judgments by justices of the peace shall be given in open court.

Sec. 33. Be it further enacted, That this act may be in force from the day of the election for county officers next ensuing, in this State; and that an act organizing justices' courts and defining the powers and jurisdiction of the same, and also creating and defining the office and powers of commissioners of roads and revenue, approved, December twentieth, 1836; an act regulating the proceedings before justices of the peace, approved, November fourth, 1837; an act to amend the law regulating proceedings in justices' courts, approved, sixth January, 1843; an act to amend an act entitled an act to amend an act entitled an act organizing justices' courts and defining the powers and jurisdiction of the same, approved, December twentieth, 1836, approved, sixth January, 1842; an act securing the right of appeal from the justices to the district courts, approved, January nineteenth, 1841; and all laws and parts of laws contravening the provisions of this act are hereby repealed from and after this act shall take effect.

Passed, 11th May, A. D. 1846.

AN ACT

To organize Probate Courts.

Judge elected
for two years.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be established in each county in this State, a probate court consisting of one judge whose term of office shall be two years, and who shall be elected by the citizens of said county, who are legally qualified to vote for the representatives thereof, in the legislature.

Powers and
duties of pro-
bate judge.

Sec. 2. Be it further enacted, That the judge of probate shall have power in open court, on due notice given, to receive proof of wills, to order the

same to be recorded, and to grant letters of executorship or of administration thereon, with the will annexed; to grant letters of administration in the following order: first, to the surviving husband or wife; second, to the next kin of the intestate or testator; third, if none such claim or claiming, are unable to give security, then to such resident citizen of the county where such succession is opened, as can give sufficient bond, and who, in the judgment of the judge of probate, will well and faithfully discharge the duties of the trust; to grant letters of guardianship, and if for minors under the age of fourteen years, first, to the surviving husband or wife; second, to the testamentary guardian or next of kin, or if they fail to claim, or are unable to give security, then to such resident citizen of the county where the succession is opened, as can give the required bond, and who, in the judgment of the judge, will well and faithfully discharge the duties of the trust; to grant letters of guardianship for minors over fourteen years of age, at their request, made in person in open court; to order inquisition to be made by a jury, of idiocy, lunacy, and of persons of unsound mind; to grant letters of guardianship for idiots, lunatics, and persons non compos mentis; to order inventories of the estates of such persons, and of such as are under guardians or trustees, and on due notice served after good cause shown; to revoke letters of administration or of guardianship, not testamentary, and to dismiss trustees; to order the sale of property for costs of court, and where proven necessary for the payment of debts of the intestate or testator, or the payment of taxes, or the support or education of minors, and to direct the partition of property of estates. The court shall have power, either in term time or vacation, to demand any will, papers or property, of the deceased person, or belonging to those subject to, or under guardianship; to appoint and remove, without notice, administrators with limited powers, and also to suspend the action of administrators, upon good cause shown, by petition of any party interested; to order the sale of perishable property; to appoint appraisers;

to order all writs to issue, that may be necessary to enforce his jurisdiction; to approve or disapprove of claims acknowledged by an executor, administrator or guardian; to approve or reject bonds; to require additional security on such as have been approved; to examine accounts; to administer oaths or affirmations; to supervise, correct and approve the minutes of the proceedings of the court, as kept by the clerk. The court shall in no case grant letters of executorship, administration or guardianship, to the clerk of the court of probate, but if such clerk be interested in the estate of the deceased, or is named executor, or is entitled to guardianship, he may apply to the district court for letters of administration, testamentary or guardianship, and in all cases which the probate judge or clerk may be so interested, the district court shall have and exercise exclusive jurisdiction.

Clerk of
county court
exofficio clerk
of probate;
his duties and
functions.

Sec. 3. Be it further enacted, That the clerk of the county court shall exofficio be clerk of the probate court; it shall be his duty to receive all petitions directed to the judge of probate, endorsing on them, the time of their filing; he shall issue the notices prayed for in said petitions, and also such writs and warrants as the judge shall direct, in special cases; he shall issue all subpoenas for witnesses, and commissions to take depositions that may be made returnable to said court; he shall for each regular term, keep a docket for probate cases, numbered in the order in which they were filed; he shall take minutes of the proceedings of the court during each day of its session, and keep separately in different books, all items of cost against each estate, and submit the same to the judge for correction and approval; he shall make a final record of all petitions, inventories, appraisements, orders, accounts of sale, of final accounts rendered by executors, administrators and guardians, and keep the papers belonging to each estate separately and properly endorsed, as archives of his office. The clerk shall also procure a seal, at the expense of the county, on which shall be engraven a star of five points with the words "Probate Court. County of _____" around the margin, which shall

be kept by him and used officially for the authentication of process, copies of records and other acts done by the probate court.

Sec. 4. Be it further enacted, That six regular terms of the court of probate shall be held in each year, in the court house of each county, unless the district court be in session there, and in that event said probate court shall, for such time, hold its session in some other suitable building, at the seat of justice of the county; each term may continue for one week; the regular terms of the court shall commence on the last Mondays of January, March, May, July, September and November.

Six terms to be held in each year.

Sec. 5. Be it further enacted, That the proper county for opening successions, shall be determined by proof, giving preference in the following order: first, in the county where the deceased had a fixed domicile, or fixed residence; second, in the county where the deceased owned real estate; third, where the deceased had his principal effects; fourth, where the deceased died.

County for opening successions.

Sec. 6. Be it further enacted, That each executor accepting the trust, and each applicant for letters of administration or of guardianship, shall file in the office of the clerk of the probate court, a petition directed to the judge of probate, plainly stating therein the nature of the case submitted, and the action thereon desired.

Executors and administrators to present petition.

Sec. 7. Be it further enacted, That when application is made for the probate of a will, for letters of guardianship, or of administration, or of the appointment of trustees, ten days notice of such application shall be given by the clerk, by advertisement in writing, posted up, one on the court house door, and one at three several public places in the county, not in the same town or city.

Application for probate of will, &c. to be advertised ten days.

Sec. 8. Be it further enacted, That a will may be proved by the testimony of one of the subscribing witnesses thereto, taken in open court, establishing the fact that the testator, being of sound mind and disposing memory, of his own free will, signed and acknowledged the said will in the presence of the witness, as his last will and testament, such testimony shall be taken in writing and be

Mode of proving will.

Effect of proof and exceptions. subscribed to by the witness, and shall be sufficient to admit said will to record, and be prima facie evidence in favor of the validity of the will, but any person claiming an interest in the estate of the testator, in his own right, or in the right of any one he represents, or any attorney on behalf of the State, may within four years after the same is recorded, institute suit in the district court, to contest the validity of said will; minors, married women, persons non compos mentis may commence suit at any time within four years after their respective disabilities are removed and not thereafter; no nun-cupative will shall be valid, unless made by a soldier while in actual military service, or by a mariner while at sea; a will made by an unmarried woman, shall be deemed to be revoked by her subsequent marriage; nor shall a nun cupative will deprive the wife or children of the deceased of inheriting his or her estate.

Executors, administrators, &c. to give bond; exceptions to rule. Sec. 9. Be it further enacted, That each executor and testamentary guardian, when not exempted by the will, each administrator and guardian, before receiving letters testamentary, or of administration, or guardianship, shall give a bond, with two or more good securities, payable to the judge of probate and his successor in office, for the use of any one interested in the estate, in a penalty at least double the amount of the estimated value of the estate, conditioned for the faithful performance of the duties of his trust; such bond shall not be void on the recovery of a part of the penalty, but may be put in suit from time to time, and shall be deemed in force to cover all breaches of such trust; and a right of action thereon shall not be barred until four years from and after the time that the youngest heir attains majority; the form of such bond shall be directed by the judge.

Oath of office. Sec. 10. Be it further enacted, That each executor, administrator, guardian or trustee, shall take an oath of office, to be administered by the judge.

Mode of making appraisements. Sec. 11. Be it further enacted, That all appraisements shall be made after a view of the property for that purpose, and shall be made by citizens residing in the county in which the same is

situated; the appraisement shall be made in writing and shall be sworn to before any officer of the county who is authorized by law to administer oaths, or if made out of the county in which the succession is opened, then it shall be sworn to before a notary public of the county in which it shall have been made.

Sec. 12. Be it further enacted, That it shall be the duty of executors and administrators, immediately after they are qualified to act, to publish for six successive weeks, in some newspaper in the county, a notice to all persons who have claims against the estate they represent, to present them for acknowledgment within twelve months after the date of such publication, and to all persons indebted to the estate to make payment; if there be no newspaper published in the county the notice herein required shall be published in the nearest paper printed in the State, and by written advertisements posted up, one at the court house door and three others at three several public places, not in the same town or city, but in the county where the estate is opened; a copy of said notice, certified to by the judge, shall be filed with the papers of the estate, and a full copy of the same be included in the final record.

Notice to creditors and debtors to be given.

Sec. 13. Be it further enacted, That every claim for money, or personal property, or for land, before it can be acknowledged, must be verified by the affidavit of the owner before the judge of probate, or a notary public, stating what part is due and unpaid and not satisfied, and when thus verified and presented, the executor or administrator shall endorse thereon his acceptance or rejection with the date of presentation.

Claims to be verified by affidavit.

Sec. 14. Be it further enacted, That all claims accepted by executors or administrators, shall be presented to the judge, who shall endorse on the same his approval or non-approval.

Accepted claims to be presented to judge.

Sec. 15. Be it further enacted, That no action shall lie on a claim before its presentation for acknowledgment, but if a claim be rejected by the executor or administrator, or if accepted by him and disapproved by the judge, the owner of such claim may, for the establishment thereof, institute

No action for claim without presentation.

Claim rejected may be sued upon.

suit against such executor or administrator, before a justice of the peace, or the district court of the county where the succession is opened; but no judgment thereon shall give such claim priority, but it shall be paid currently with other claims of the same degree.

Appeal to district court.

Sec. 16. Be it further enacted, That any party interested in his own right, or as representative in right of another, may, by giving security for the costs and damages, appeal to the district court from any judgment, decree, or order of the probate court rendered in term time, within twenty days from the date of said judgment, decree or order; executors, administrators, and guardians, and the attorney for the State may appeal without security.

Petition and advertisement necessary to sell land or negroes of estate; nature of petition.

Sec. 17. Be it further enacted, That when a sale of land or negroes becomes necessary, for the payment of debts, application shall be made therefor by petition in writing, filed with the clerk. The petition shall first set forth the amount of personal property that has come to the hands of the executor, administrator or guardian, stating its nature and kind; second, the manner in which any portion of said property has been applied; third, the debts that have been paid, and those which are still due and unpaid, the amount of each and the names of the parties to whom payable; fourth, the description of the real estate, where situated, and whether vacant or occupied, and if occupied, the names of the occupants; fifth, the names, sexes, and ages of the negroes, by families, and their number; sixth, the names of the heirs and legatees, and if minors, the names of their representatives; on which petition citation shall issue and be personally served on the heirs and legatees, and if minors, on their representatives, and on the occupants of the land living in the county. If no such heirs or legatees are in the State, or if in the State, are not known, publication shall be made, in a newspaper printed in the county, if there be one; if there be none, then by publication in the nearest newspaper published in the State, at least four weeks before the return thereof, and such newspapers in other counties where any person interested in the estate may reside, as the judge,

on due inquiry, may direct, and by personal notice served on the attorney to represent the State; to which petition answer may be filed by the parties interested, showing their objections. The judge may order the executor or administrator to make the aforesaid exhibit, on the petition of the creditors. At the return term of said notice the judge shall determine whether or not a sale be necessary; and if ordered, returns of the sale shall be made under oath; and the judge may examine testimony relating thereto, and if any fraud has been committed, or any irregularity has taken place, to the prejudice of the estate, he shall vacate such sale, and may order a new one; if the sale be approved, he shall endorse on the return thereof his approval, and order a confirmation of the same to be recorded, and a conveyance to be made. The conveyance shall recite the order of sale, the sale, and the confirmation, and order of conveyance, which recital shall be a copy from the records of the court. Lands and negroes sold shall be subject to liens existing at the time of the death of the deceased.

Sec. 18. Be it further enacted, That no sales shall be ordered for the payment of debts before the fourth regular term of the court after letters have been granted; but sales of perishable property, sales for the support of the family of the deceased, or for the education of minors, and sales made to avoid expenses incidental to the preservation of personal property, and for taxes, are hereby left to the discretion of the judge. The land and slaves, and other property, shall in all cases, upon a proper showing by the heirs, be, for their benefit, kept together, without sale or hiring, when a sale thereof is not absolutely necessary.

No sale to pay debts before fourth term of court.

Perishable property, &c. may be sold at the discretion of the judge.

Sec. 19. Be it further enacted, That all sales by executors may be made in accordance with the directions of the testator in relation thereto, expressed in the will, and all sales not so directed, shall be made at public auction in accordance with the law regulating sales under execution. The terms of the sales of personal property, are hereby left to the discretion of the judge, but in all cases, land and negroes shall be sold on a credit of twelve

Sales by order of testator, and sales at auction.

months, with approved security, retaining a lien on the same, for the payment of the purchase money, unless otherwise directed by the testator.

Executors, administrators, &c. cannot purchase bond, note, &c. against estate.

Sec. 20. Be it further enacted, That no executor, administrator, guardian, or trustee, qualified under this act, shall either directly or indirectly, become the purchaser of any bond, note, or other demand against the estate for his own use, or for the use of another, or of any property of the estate he represents; the judge may in his discretion, order him to purchase, at public auction, for the use and benefit of the estate, property in payment of debts due to the estate.

Inventories and accounts of sales.

Sec. 21. Be it further enacted, That the inventories and accounts of sales shall always be returned under oath, either in open court or in vacation, at such times as the judge shall direct, and at the sixth regular term of the court, after letters issued, a full statement of the condition of the estate shall be returned; and at the sixth regular term of the court, after letters issued, notice shall issue, to be served on the creditors and the next of kin of the deceased, and the legatees, if any, and if there be none, on the attorney for the State, to appear before the court at the next regular term thereof, to attend the settlement of the accounts of the estate, which notice shall be executed in the manner pointed out in section 17 of this act.

Mode of paying claims.

Sec. 22. Be it further enacted, That the owners of claims which have been presented, acknowledged and approved, or which have been established by judgment, shall be entitled, in the following order, to a full or a pro rata payment at the sixth regular term of the court. after granting the letters: first, funeral expenses; second, debts due the late republic of Texas; third, debts due the government of the United States; fourth, taxes assessed for the State; fifth, recorded mortgages and liens on specific property, then judgments of the courts of this State, the oldest first; sixth, all other debts, and debts not due after deducting a discount of legal interest, shall be classed and paid as debts that are due; claims in suit shall be taken into the pro rata estimate, and claims not present-

ed within twelve months from the publication of notice, shall be postponed in their payment until those presented have been paid; they shall be finally barred, however, only by the general law of limitations.

Sec. 23. Be it further enacted, That the judge may upon proof that the condition of the estate requires it, continue the administration of the estate, as the condition of the same in the opinion of the judge, may require, upon good cause shown by the administrator, in writing, and verified by affidavit. Administration may be continued.

Sec. 24. Be it further enacted, That after the payment of the debts and expenses, and after due notice given, as provided in the 17th section of this act, of the distribution of the estate, the same shall be distributed under the direction of the judge, to the parties legally entitled thereto. If there be no heirs or legatees, the administrator or executor shall pay the money in hand into the treasury of the State, and deliver to the comptroller of public accounts, all papers and documents relating to real estate, taking receipts therefor; and the receipts for the same, of the treasurer and comptroller severally, shall be filed with the papers of the estate in the probate court. Distribution of estate.

Sec. 25. Be it further enacted, That every guardian shall at least once in each year, present under oath to the court, a full descriptive catalogue of his or her ward's property, with a similar statement of all disbursements made for the ward, and in every case the property of the ward shall be kept together without sale or hiring, unless otherwise ordered by the testator in his will, or by the court, upon a written application and affidavit of necessity, made by the guardian, and corroborated by other proof, and to be recorded by the clerk of said court; the catalogue and statement so presented shall be conclusive against the guardian, and may be allowed entirely or partially by the court, from whose decision the guardian shall have the right to appeal. Guardian shall present catalogue every year.

Sec. 26. Be it further enacted, That whenever an inventory of any estate may be made out and returned to the court, the judge thereof shall set Exempt property to be set off to widow

and children
by judge.

apart for the sole use and benefit of the widow and children, if there be either or any of the deceased, all such property as by the constitution and laws of the State, has been or shall be declared not to be subject to forced sale, for debts contracted after the 16th day of February, 1846; and in case there should not be among the effects of the deceased, all or any of the specific articles which are by the constitution and laws of the State, exempt from forced sale, it shall be the duty of the probate judge to order a sale of a sufficiency of the other effects belonging to the estate of such deceased person, as will, under the direction of such judge, procure for the use of the wife and children, or wife, in case such person have no children, or child or children in case such person have no wife, the specific articles which may at the time of the death of such person, be exempt by law from forced sale under execution; and that any testator by his last will and testament, may so provide, that no other action than the probate and registration of said will and testament, and an inventory of the estate, shall be had in the probate court.

Sec. 27. Be it further enacted, That all laws and parts of laws heretofore in force relative to the duties of probate courts and the settlement of successions, be, and the same are hereby repealed, and the unfinished business of all estates, now pending, shall be conducted from this date in accordance with the provisions of this act; and this act shall take effect from the second Monday of July next.

Passed 11th May, A. D. 1486.

AN ACT

Authorizing Volunteers to elect their own Officers.

Section 1. Be it enacted by the Legislature of the State of Texas, That all volunteers from this State, when called out in defence of the country,

shall have the right to elect their own officers, in accordance with the militia laws of this State, and those regulating volunteers in the United States.

Sec. 2. Be it further enacted, That this act take effect and be in force from and after its passage.

Passed, 11th May, A. D. 1846.

AN ACT

To prevent confusion in Judicial Proceedings, arising from the repeal of laws under which they were had or occurred.

Section 1. Be it enacted by the Legislature of the State of Texas, That the repeal of any statutory provision by this legislature, shall not affect any act, decree, or right, accrued or established, or any proceedings, suit or prosecution had or commenced in any civil case, previous to the time when such repeal shall take effect; but every such act, right, and proceeding, shall remain as valid and effectual as if the provisions so repealed had remained in force.

Sec. 2. Be it further enacted, That no offence committed, and no fine, penalty or forfeiture incurred previous to the time when any statutory provision shall be repealed, shall be affected by such repeal, but the trial and punishment of all such offences, and the recovery of such fines, penalties and forfeitures, shall be had in all respects as if the provisions had remained in force.

Sec. 3. Be it further enacted, That no action plea, prosecution, or proceeding, civil or criminal, pending at the time any statutory provision shall be repealed, shall be affected by such repeal, but the same shall proceed in all respects as if such statutory provision had not been repealed, except that all proceedings had after the taking effect of the statutes passed by the legislature, shall be con-

ducted according to the provision of such statutes, and shall be in all respects subject to the provisions thereof, so far as they are applicable.

Approved, 13th May, A. D. 1846.

AN ACT

To fix the Pay and Mileage of the Members of the Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That members of the legislature at each session hereafter to be held, shall receive from the treasury of the State, as their compensation, three dollars for each day they shall be in attendance on, and three dollars for every twenty-five miles they may travel in going to and returning from, the place of convening the legislature: Provided, that no member shall receive his per diem pay for the time he shall be absent from attendance on the house of which he is a member, for more than two days at any one time, except in case of sickness.

Approved, 13th April, A. D. 1846.

AN ACT

To Incorporate the several Counties of this State which now exist, or which may be hereafter established.

Section 1. Be it enacted by the Legislature of the State of Texas, That each county which now exists, or which may be hereafter established in this State, shall be a body corporate and politic.

Sec. 2. Be it further enacted, That all suits brought by or against any of the counties of this State, shall be brought in the name of or against

the county of (naming the county,) and by that name they may sue and be sued, plead and be impleaded, defend and be defended in any court of record or other place where justice may be administered: Provided, however, that no county shall be sued, unless the claim upon which such suit is founded shall have first been presented to the county court of such county for allowance, and such court shall have neglected or refused to audit and allow the same.

Sec. 3. Be it further enacted, That it shall be the duty of the county court of such county in this State, to take and order suitable measures for prosecuting and defending all suits brought by or against such county.

Sec. 4. Be it further enacted, That all suits against a county shall be instituted and prosecuted to final judgment in some court of competent jurisdiction within such county.

Sec. 5. Be it further enacted, That in suits against any county, all process and notices issued in such suits, shall be served on the chief justice of such county; and the original suit shall be served during the sitting of the county court, or so as a term of said court will intervene between the day of service and the return day thereof.

Sec. 6. Be it further enacted, That in all suits instituted by or against any county, the inhabitants of the county so suing or being sued, may be jurors or witnesses if otherwise competent and qualified according to law.

Sec. 7. Be it further enacted, That no execution shall be issued on any judgment against any county; but when a judgment shall be rendered against a county, it shall be the duty of the county court of such county to settle and pay such judgment in like manner, and pro rata with other claims of a similar description are settled and paid by said court.

Sec. 8. Be it further enacted, That. all deeds, grants and conveyances heretofore made, or which may be hereafter made and duly acknowledged, or proven, and recorded as other deeds of conveyance to any county, or to the courts or commissioners of

any county, or any other person or persons, by whatever form of conveyance, for the use and benefit of any county, shall be good and valid to all intents and purposes, to vest in such county in fee simple or otherwise, all such right, title, interest and estate, as the grantor in any such deed or conveyance had at the time of the execution thereof, in the lands conveyed and was intended thereby to be conveyed.

Sec. 9. Be it further enacted, That the county court may, by an order to be entered in the minutes of said court, appoint a commissioner to sell and dispose of any real estate of the county at public auction; and the deed of such commissioner, made in conformity to the order of said court, under his proper hand and seal, for and in behalf of the county, duly acknowledged and proven and recorded, shall be sufficient to all intents and purposes to convey to the purchasers all the right, title, and interest, and estate whatever, which the county may have in and to the premises to be conveyed: Provided, however, that nothing contained in this act shall authorize the county court of any county to dispose of any lands given, donated, or granted to such county for the purposes of education in any other manner than shall be directed by law.

Sec. 10. Be it further enacted, That all notes, bonds, bills, contracts, covenants, agreements, or writings, made or to be made, whereby any person is or shall be bound to any county or to the court or commissioners of any county, or to any other person or persons, in whatever form, for the payment of any debt or duty, or the performance of any matter or thing to the use of any county, shall be valid and effectual to all intents and purposes, to vest in said county all rights, interests and actions which would be vested in any individual if any such contract had been made directly to him.

Sec. 11. Be it further enacted, That suits may be commenced and prosecuted on such notes, bonds, bills, contracts, covenants, agreements and writings in the name of such county, as is provided in this act, or in the name of the person to whom they were made, for the use of the county, as fully and effec-

tually as any person may or can sue on like notes, bills, contracts, covenants, agreements, or writings made to him.

Sec. 12. Be it further enacted, That the county courts may appoint an agent or agents to make any contract on behalf of the county for the erection or repairing of any county buildings, and to superintend their erection or repairing, or for any other purpose authorized by law, and the contracts or acts of such agent or agents duly executed and done for and on behalf of the county, and within his powers, shall be valid and effectual to bind such county, to all intents and purposes.

Sec. 13. Be it further enacted, That when the plaintiff in any suit against a county shall fail to recover a greater amount than the county court of such county shall have allowed to such plaintiff, on the presentation of his account to such court, such plaintiff shall pay all costs of said suit.

Passed, 11th May, A. D. 1846.

AN ACT

To Incorporate the Town of Crockett, in the County of Houston.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of the town of Crockett be, and they are hereby declared a body politic and corporate, by the name and title of the Corporation of the Town of Crockett, and by that name may sue and be sued, implead and be impleaded, and may hold and dispose of real and personal estate in said town.

Sec. 2. Be it further enacted, That all that tract of land, heretofore surveyed and known as the town of Crockett, shall be the limits and boundaries of said town.

Sec. 3. Be it further enacted, That an election

shall be held in said town, on the first Monday in October, of each and every year, for a mayor, a constable, a treasurer and six aldermen. The first election to be conducted by the chief justice of Houston county, and every subsequent election to be conducted by the mayor and any two aldermen, and the persons so elected shall continue in office for one year, or until their successors are duly qualified.

Sec. 4. Be it further enacted, That whenever a vacancy shall happen in the office of mayor, any three aldermen shall order and conduct an election for a mayor, to serve until the next succeeding annual election, or until his successor shall be qualified.

Sec. 5. Be it further enacted, That no person shall be eligible to any of said offices who is not a citizen and a freeholder or householder in said town.

Sec. 6. Be it further enacted, That the mayor shall be president of the board of aldermen; that five of the members of said board, (including the mayor,) shall constitute a quorum for the transaction of business, and that said board may enact such by-laws, for the government of said town, not inconsistent with the law of the land, as may be deemed proper, and inflict such fines, not exceeding one hundred dollars, as may be considered necessary.

Sec. 7. Be it further enacted, That the board of aldermen shall have entire control over the streets of said town, may order new streets to be laid out, and old ones discontinued, at their discretion: Provided, however, that no new street be opened, nor old one discontinued, except by unanimous consent of the board; and the board in such acts shall be governed by the law of the land relative to roads and highways.

Sec. 8. Be it further enacted, That all free males between the ages of twenty-one and forty-five years shall be liable to work on the streets; that such persons shall not be compelled to work more

than ten days in any one year, and they shall be exempt from other road duty; the board shall impose such fines on defaulters as they may deem necessary, in which they shall be governed generally by the law of the land.

Sec. 9. Be it further enacted, That the board shall have power to levy a tax on all persons and property, both real and personal, in said town, subject to taxation by the laws of the State: Provided, that the tax on property shall not, in any one year, exceed one per cent. ad valorem, on such property, and no tax shall be levied on real estate unless by consent of two-thirds of the members present, and it shall be levied at the beginning of each year, and be assessed and collected (by an officer to be appointed by the board) in the same manner as the State tax is collected; and the board shall also have power to levy a tax on all taverns, tippling houses, billiard tables, and ten pin alleys in said town.

Sec. 10. Be it further enacted, That all the public property except such as may be, or may have hereafter [heretofore?] been, donated to, or purchased by the county of Houston, in said town, shall belong to said corporation, and the board of aldermen may dispose of it, in such manner as the best interest of said town may require.

Sec. 11. Be it further enacted, That the board of aldermen shall have power to constitute and appoint such officers, with the regulation of their duties and compensation as may be considered necessary, and the officers so appointed may be removed at the pleasure of the board, and may be required to give bond, with security, to the mayor, in such penalty as may be deemed requisite, and shall be liable for such fines as may be imposed on them for neglect of duty.

Sec. 12. Be it further enacted, That all offences against the by-laws, be prosecuted before the mayor, in such manner as is provided by law in the act organizing justices' courts and defining the powers and jurisdiction of the same; and the

constable shall execute all writs directed to him by the mayor.

Sec. 13. Be it further enacted, That if the office of alderman of said town shall become vacant, by death, resignation, removal from town, or otherwise, the board shall have power to appoint a successor to fill the unexpired term of such alderman, vacating his office as aforesaid.

Sec. 14. Be it further enacted, That if from any cause the election required to be held on the first Monday in October, of every year, should not be holden, it shall be the duty of the chief justice of Houston county to cause said election to be holden at any time, on giving ten days notice; all elections for mayor and aldermen shall commence at ten o'clock, A. M., and close at two o'clock P. M., and all persons qualified to vote for members to the legislature, who shall have resided six months immediately preceding any of such elections, shall be entitled to vote for mayor and aldermen.

Sec. 15. Be it further enacted, That the constable shall give bond and security as other constables, shall have the same power, and shall be entitled to the same fees as other constables, and such other fees as may be provided for by the by-laws of said corporation.

Sec. 16. Be it further enacted, That the board of aldermen shall make such compensation to the mayor, and allow him such fees as they may deem proper.

Sec. 17. Be it further enacted, That the treasurer shall keep safely all the money of said corporation, shall pay out the same to the order of the board, and shall do such other duties as may be assigned him by the by-laws; he shall give bond and security, payable to the mayor, in such sum as he may deem proper, conditioned for the faithful performance of his duties, to be approved by the mayor, and shall receive such compensation, as may be provided by the by-laws of said corporation.

Sec. 18. Be it further enacted, That so much of

an act entitled an act to incorporate the city of Houston and other towns therein named, as relates to the town of Crockett, be, and the same is hereby repealed.

Sec. 19. Be it further enacted, That all laws conflicting with the provisions of this act, be, and they are hereby repealed.

Sec. 20. Be it further enacted, That the mayor be, and he is hereby invested with all the powers of a justice of the peace, within the limits of said town.

Sec. 21. Be it further enacted, That the inhabitants of said town may at any time (a majority of the electors thereof concurring) extend their corporate limits, not exceeding a half a mile from the present limits: Provided, the owners of the additional territory shall consent thereto: And provided further, that said new limits shall be surveyed and plainly marked and recorded in the office of the county clerk.

Sec. 22. Be it further enacted, That this act go into effect from and after its passage.

Passed May 11th, 1846.

AN ACT

Providing how the new Counties made by this Legislature out of the territory of Nacogdoches, shall pay their portion of the debt due by said county of Nacogdoches.

Section 1. Be it enacted by the Legislature of the State of Texas, That the new counties of Angelina, Cherokee, Smith, and Henderson, taken from and formed out of the former territory of Nacogdoches county, shall not be exempt from their portion of the debt due by the former county of Nacogdoches, but shall assume and pay so much

of the old debt of the county of Nacogdoches as is now due to any person or persons residing within the limits of their respective counties: Provided, also, that if the said debts or liabilities should have been transferred by the original holder, to any person or persons residing in any other county, that then and in that case, the same shall be paid by the county in which the said original holder or claimant of the debt shall be living at the time of the organization of the said respective counties.

Sec. 2. Be it further enacted, That those citizens of Dallas and Upshur counties, formerly embraced in the limits of Nacogdoches county, shall assume and pay so much of the debt of Nacogdoches county as may be due to any person or persons living in their respective counties, in the same manner and in accordance with the provisions of the first section of this act.

Sec. 3. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, 13th May, A. D. 1846.

AN ACT

To provide for the publication of the Laws of the State.

Secretary of
State to su-
perintend
publication.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of the Secretary of State to superintend the publication of the laws of each session of the legislature. He shall make a certificate under his hand and seal, stating the day on which the legislature adjourned, which shall be published with the laws of each session; he shall also cause the acts of each session to be divided into two parts, the first of which shall contain all acts

of a general nature, of which he shall prepare a minute index, and the second part shall contain those acts which are merely local or personal in their operation, of which he shall also prepare a general index.

Sec. 2. Be it further enacted, That it shall be the duty of the public printer to print the laws in such form as they shall be furnished to him by the Secretary of State, and to have the same completed within thirty days after the adjournment of each session.

Sec. 3. Be it further enacted, That there shall be ^{2000 copies to be printed.} two thousand copies of the acts of each session printed by the public printer, and it shall be the duty of the Secretary of State to forward either by mail or some other safe conveyance, one copy thereof to each of the executive officers of the State, to each of the judges of the district and supreme courts, to each clerk of the supreme, district and inferior courts, to each sheriff and justice of the peace within the State, and one copy to each member of the Legislature by which they were passed.

Sec. 4. Be it further enacted, That it shall be the duty of the Secretary of State to procure a correct copy of the Declaration of Independence, adopted in convention at Washington, on the second day of March, 1836; a correct copy of the Constitution of the Republic of Texas; a correct copy of the Joint Resolution of the United States Congress for annexing Texas to the United States, approved by the President of the United States, on the 1st day of March, 1845; a copy of the Joint Resolution of the Congress of Texas, giving the consent of the government to the annexation of Texas to the United States, approved on the 3d of June, 1845; a copy of the Ordinance of the Convention of the people of Texas, assenting to and accepting of annexation, adopted in convention on the 4th July, 1845; a copy of the Constitution of the State of Texas; a copy of the Ordinance of the Convention, in relation to the colo-

^{Secretary of State to procure divers documents.}

nization contracts, entered into by the Republic of Texas; a copy of the Joint Resolution of the United States Congress, accepting and approving the Constitution of the State of Texas; a copy of the Declaration of Independence of the United States, and a copy of the Constitution of the United States; also, a copy of the Colonization Laws of Mexico and of the State of Coahuila and Texas, and the land laws of a general nature enacted by the Congress of the Republic of Texas.

Copies of laws to be forwarded to several persons.

Sec. 5. Be it further enacted, That it shall be the duty of the secretary of State, after the publication of the laws of each session of the legislature, to forward one copy thereof to the Governor of each State of the Union, three copies to the librarian of congress, one copy to the secretary of State of the United States, and also one copy of the laws and such other surplus printed documents as may be on hand, to each foreign librarian of government, with whom a system of literary exchange may be established.

Sec. 6. Be it further enacted, That this act shall take effect from and after its passage.

Approved, 13th May. A. D. 1846.

AN ACT

Regulating appeals to the Supreme Court, in Criminal Cases.

Defendant may appeal to supreme court.

Section 1. Be it enacted by the Legislature of the State of Texas, That the defendant to any indictment or prosecution for any criminal offence in the district courts of this State, shall have the right of appeal to the supreme court, except in cases of contempt of court.

Sec. 2. Be it further enacted, That on the trial of any indictment or prosecution for any criminal

offence included within the provisions of the first section of this act, the defendant, by himself or counsel, may file his bill of exceptions to any decision, opinion, order or charge of the court before whom he was tried, and it shall be the duty of the judge of said court to sign said bill of exceptions, in the same manner and under the same regulations as in civil cases; in order that such decision, opinion, order or charge may be reversed upon appeal to the supreme court, herein provided.

May file bill of exceptions.

Sec. 3. Be it further enacted That it shall be the duty of the clerk of the district court, where an appeal shall be taken in any criminal case, to deliver to the party taking the appeal, on application, or to send up to the next term of the supreme court by mail; if not applied for by the party appealing, a full and perfect transcript of all the proceedings had in such case.

Proceedings shall be sent up on an appeal.

Sec. 4. Be it further enacted, That when appeals shall be taken in cases not capital, the defendant shall enter into cognizance, with sufficient security, in such sum as the district court may require, conditioned that the defendant will appear at the next term of the district court, and from term to term thereafter, then and there to abide whatever judgment or decree the supreme court may render, and if the defendant fail to appear, according to the terms of said recognizance, proceedings shall be had thereon, as in ordinary cases, for the purpose of forfeiting said recognizance.

Recognizances taken in cases not capital.

Sec. 5. Be it further enacted, That when a conviction shall be had in any capital case in the district court, and an appeal is taken thereon, the judge of the district court, before whom such conviction may be had, shall remand the prisoner to the jail of the county where he may have been tried, or in case the jail of said county be unsafe, then to the jail of the nearest county, which is safe.

Conviction and appeal in capital cases.

Sec. 6. Be it further enacted, That in case of conviction before the district court, in any criminal cause, and an appeal taken therefrom, the judgment of the district court shall be entered in accordance with the verdict of the jury; but no sentence of execution shall be pronounced by said court.

In case of appeal no sentence of execution shall be pronounced in district court.

A perfect record may be demanded on appeal to supreme court.

Sec. 7. Be it further enacted, That the supreme court shall proceed to try all criminal cases brought by appeal before said court, upon the bills of exceptions, and other points of law presented by the record, and if the record be imperfect, a certiorari may be awarded upon the suggestions, on oath of the attorney general, district attorney or counsel for the defendant, that he has reason to believe that a material defect exists therein, to compel the clerk of the district court to send up a more perfect record.

Supreme court shall render judgment according to law.

Sec. 8. Be it further enacted, That upon an examination and revision of any criminal cases, the supreme court shall proceed to render such judgment as the law of the case may require, confirming the judgment of the district court, if there be no errors upon the record, revising the same in case of error, and remanding the cause at their discretion, to the district court for a new trial.

If judgment below is confirmed, sentence to be pronounced by district court.

Sec. 9. Be it further enacted, That the supreme court, in case the judgment of the district court be affirmed, shall direct such sentence to be pronounced by the district court, as is directed by law, and such as the district court might have pronounced in case no appeal had been taken, and shall cause a transcript thereof to be sent down to the court from which the appeal was taken.

Transcript sent down in vacation, how disposed of.

Sec. 10. Be it further enacted, That if the transcript provided for in the foregoing section, be received in vacation, the district court shall at the next term, proceed to pronounce sentence, in accordance with the direction of the supreme court, if the accused be in custody, and if not, shall order such process as may be necessary to take him, and if the return upon such process be that the accused cannot be found, then the court shall direct such proceedings as may be necessary and proper in order to forfeit his recognizance; but if the transcript aforesaid be received in term time, the court shall forthwith proceed as above directed.

Recognizance.

District court shall obey the order of supreme court

Sec. 11. Be it further enacted, That in case the supreme court reverse the judgment of the district court in any criminal case, the court shall cause to be sent down a transcript, showing the reasons for

such reversal, together with a mandate for a new trial, ^{in reversal of judgment.} or such other proceedings as the law may require, and upon the receipt of such transcript, if it be received in term time, or at the next term, if received in vacation, the district court shall take order thereon in accordance with the judgment of the supreme court.

Sec. 12. Be it further enacted, That if in any criminal case, taken to the supreme court by appeal, it be decided that the matter charged is not an offence known to the law, or that the law on which the prosecution is founded is unconstitutional, the court shall cause an order to be sent to the sheriff of the county having the defendant in custody, commanding him to release such defendant, who shall upon the receipt of the order, immediately release the prisoner, or in case the defendant be not in custody, but is under recognizance, then the court shall cause an order to be sent to the clerk of the court in which such recognizance was taken, which order the clerk shall file and enter of record at the next term, and it shall operate as a release of the recognizance. ^{Supreme court shall order prisoner discharged in certain cases.}

Sec. 13. Be it further enacted, That all laws and parts of laws conflicting with the provisions of this act, be, and they are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, 13th May, A. D. 1846.

AN ACT

Organizing County Courts.

Section 1. Be it enacted by the Legislature of the ^{Style.} State of Texas, That there shall be in each county of this State, an inferior court, to be styled the county court of _____ county, which shall be composed of one chief justice and four commissioners, who shall be styled county commissioners.

Chief justice
and commis-
sioners elect-
ed for two
years.

Sec. 2. Be it further enacted, That the said chief justice and county commissioners shall be elected by the qualified electors of the county, for a term of two years: Provided, that not more than one of the said commissioners shall be a resident of the same precinct, except in counties where they are not as many as four precincts, at the time of the election, and they shall continue to discharge the duties of their respective offices until their successors shall be duly qualified; in case of vacancy of either of the said offices, before the expiration of the term of two years, there shall be an election to fill such office for the unexpired portion of such term.

Clerk of
county court
ex-officio
clerk of pro-
bate.

Sec. 3. Be it further enacted, That there shall be a clerk of said court, who shall be ex officio clerk of the probate court, and shall be styled the clerk of the county court; shall be elected by the qualified electors of the county, for a term of two years, and shall continue to discharge the duties of his office until his successor shall be duly qualified. In case of a vacancy in the office of said clerk before the expiration of said term of two years, there shall be an election to fill such office for the unexpired portion of such term, unless such unexpired term be less than one year, in which case the county court shall appoint a clerk for such unexpired term.

Clerk to give
bond.

Sec. 4. Be it further enacted, That the clerks of the county courts shall, before entering upon the duties of their office, enter into bond with good and sufficient security, to be approved by the county court of the county, in a sum of not less than two thousand dollars, payable to the Governor of the State, and his successors in office, conditioned that such clerk shall well and truly discharge and perform all the duties required of him by law, and shall not be void on the recovery of part of the penalty thereof, but shall be deemed to extend to the faithful performance of the duties of his office; and he shall also take and subscribe the oath of office prescribed by the constitution, which shall be endorsed on said bond, with the certificate of the officer administering the same, and said bond

and oath shall be recorded with the county records, and deposited with the clerk of the district court.

Sec. 5. Be it further enacted, That the clerks of the county courts shall have power, by writing, under their hand and seal, to appoint a deputy, for whose official acts they shall be responsible, and such appointment shall be recorded with the county records; and every clerk of the county court, when he shall vacate his office, shall deliver over to his successor in office, all books, papers, records and effects belonging to his office, and any clerk who shall fail or refuse so to do, shall be fined in a sum not less than fifty, nor more than five hundred dollars, to be recovered on motion of the chief justice of the county in the district court, such clerk having three days notice of such motion; and every clerk of the county court who shall be guilty of any neglect of duty or misdemeanor in office, may be indicted for the same by a grand jury in the district court, and on conviction thereof, shall be removed from office.

Clerks may appoint deputies.

Sec. 6. Be it further enacted, That the chief justices, county commissioners, and the clerks of the county courts, shall have power to administer oaths and give certificates thereof in all cases wherein an affidavit is necessary, except where such oaths may be required by law to be taken before some particular officer.

Oaths administered by chief justices, county commissioners and clerks.

Sec. 7. Be it further enacted, That every county court shall procure, at the expense of the county, a seal, whereon shall be engraved the words "County Court,

County court shall have a seal.

County, Texas," which seal shall be kept in the clerk's office, and shall be used in the authentication of all official acts of said court, or of said chief justice, or of said county commissioners, or of said clerk. Until such seal shall be procured, private seals may be used.

Sec. 8. Be it further enacted, That the county courts shall meet at the court houses of their respective counties, on the second Mondays in January, April, July, and October in every year, and at such other times as the chief justice or any three of the county commissioners shall appoint, and may continue in session and adjourn from day to day

Times of meeting of county court.

until the business of the court is disposed of, but shall receive no per diem allowance for such special term; but for the regular terms, each commissioner in attendance shall receive two dollars per day, to be paid out of the county treasury.

Quorum, how
formed.

Sec. 9. Be it further enacted, That the chief justice and any two of the county commissioners, shall form a quorum for the transaction of business, and whenever the office of chief justice is vacant, or whenever the chief justice is absent from the county, or incapable from any cause to hold court, any three of the county commissioners shall form a quorum of said court.

Courts to es-
tablish pre-
cincts, ferries,
public roads,
appoint over-
seers, &c.

Sec. 10. Be it further enacted, That the county courts of each county of this State, shall have power to lay off and divide their counties into convenient precincts for the election of justices of the peace and constables, to establish places in such precincts where elections shall be held, to establish ferries and the rates of tolls to be charged at such ferries, and to license ferry-men; to lay out and establish, change and discontinue public roads and highways, to build bridges, to appoint overseers, and apportion hands to work upon such roads, highways and bridges, and they shall have and exercise general control and superintendence over all roads, highways, ferries and bridges, within their respective counties, to erect and repair court houses, jails and all necessary county buildings, to allow and settle all county accounts, and direct their payment in such manner, and at such times as may meet the public interest; to provide for the support of indigent persons resident in their county, who cannot support themselves, and for the burial of paupers; to appoint patrols and exercise general jurisdiction over police matters: Provided, that the power herein conferred, of appointing patrols, need not be exercised until, and only so far as the county court in their discretion may deem necessary for the public welfare, and to try contested elections for county officers.

May collect a
tax for county
purposes.

Sec. 11. Be it further enacted, That the said county court shall have power to levy and collect a tax for county purposes, upon all property and

money at interest, in their respective counties, and upon all incomes, trades, occupations and professions, upon which a tax is levied by the State: Provided, said tax shall not exceed one half in any one year the amount of the tax levied by the State in such county: And further provided, that it shall be apportioned in the same manner; and said tax shall be collected by the collector of the State tax, in the same manner as the State tax, and paid by him into the county treasury.

Sec. 12. Be it further enacted, That no tax shall be levied by any county court, except with the assent of the chief justice and three of the county commissioners, or of the four commissioners. Assent of chief justice necessary to tax.

Sec. 13. Be it further enacted, That the said county courts shall annually examine and adjust the accounts of the county treasurer, and shall cause to be published in some newspaper, or by posting the same in some conspicuous place in the office of the county clerk, a detailed statement of all the receipts, expenditures and debts of their respective counties. Court shall adjust accounts of treasurer.

Sec. 14. Be it further enacted, That the several county courts of the State, shall have and exercise all the powers which by law are vested in county courts or boards of county commissioners, or chief and associate justices, as land commissioners. County courts have authority as land commissioners.

Sec. 15. Be it further enacted, That the county courts shall have full power and authority to issue such process as may be needful for the discharge of the trusts reposed in them, and all such process shall be tested in the name of the chief justice of the county, or of the commissioners, when acting without the chief justice, and be dated and signed by the clerk of the court, and shall have the seal of the court affixed. May issue all needful process.

Sec. 16. Be it further enacted, That county courts shall have like power to punish contempts as the district courts can or may have and exercise. May punish contempts.

Sec. 17. Be it further enacted, That each county court shall cause a record to be kept of all its proceedings, in suitable books for that purpose, to be procured at the expense of the county, which Shall keep a record.

record shall be read over by the court, and signed by the chief justice, or member of the court presiding, at the end of each term, which records shall be kept by the clerk, and handed over by him to his successor, when qualified.

All existing books, records, &c., of courts, to be handed over.

Sec. 18. Be it further enacted, That the records, books, papers, and all other things appertaining to the office, now in charge of the present county clerks, shall be handed over to the clerk of the county court in each county, elected in pursuance of this act.

Sec. 19. Be it further enacted, That this act shall take effect and be in force from and after the second Monday in July, 1846, and from and after that time all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed.

Approved, 13th May, A. D. 1846.

AN ACT

Regulating the office of County Treasurer.

Appointed by county court; term, two years.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be in each county of this State, a county treasurer, who shall be appointed by the county court, and shall hold his office for the term of two years from the day of his appointment, and until his successor shall have been duly appointed and qualified, unless sooner removed by the county court, as hereinafter provided.

Bond to be given.

Sec. 2. Be it further enacted, That every person who shall be appointed to the office of county treasurer, shall, within twenty days after receiving notice of his appointment, and before entering upon the duties of his office, give a bond to the county court of his county and their successors in office, for the use of the county, with at least two

good and sufficient sureties, to be approved of by the chief justice of his county, in such sum as they may deem necessary, conditioned that such treasurer shall faithfully execute the duties of his office, and pay over, according to law, all monies which shall come into his hands as county treasurer, and render a just and true account thereof to the said court, at each and every regular term of said court; and such treasurer shall take and subscribe the oath prescribed by the constitution, which, together with the bond, shall be deposited in the county clerk's office of his county.

Sec. 3. Be it further enacted, That it shall be the duty of the county treasurer to receive all monies belonging to the county, from whatever source they may be derived, and to pay and apply the same as required by law, in such manner as the county court of his county may require and direct.

Shall receive all monies of county.

Sec. 4. Be it further enacted, That the county treasurer shall keep a just and true account of the receipts and expenditures of all monies which shall come into his hands by virtue of his office, and of the debts due to and from his county, and direct prosecutions according to law, for the recovery of all debts that may be due to his county, and superintend the collection thereof.

Shall keep account.

Sec. 5. Be it further enacted, That the county treasurer shall render a detailed report at every regular term of the county court of his county, of all the monies received and disbursed by him, of all debts due to and from his county, and of all other proceedings in his office, and shall exhibit to said board at every such term, all his books and accounts for their inspection, and all vouchers relating to the same, to be audited and allowed.

Shall report to county court at each term

Sec. 6. Be it further enacted, That he shall deliver the monies, securities and all other property of the county in his hands, together with all documents, instruments of writing, papers and books, belonging to, or for the use of the county, to his successor in office, and perform all such other acts as may be required of him by said county court.

Shall turn all monies, &c. over to his successor.

Sec. 7. Be it further enacted, That the county treasurer shall not pay any money out of the

Shall not pay out money but on warrant.

county treasury, except in pursuance of a certificate or warrant from some officer authorized by law to issue the same, and if such treasurer shall have any doubt of the legality or propriety of any order, decree, certificate or warrant, presented to him for payment, he shall not pay the same, but shall make report thereof to the county court for their consideration and direction.

Shall examine
papers of
sheriffs,
clerks, &c.

Sec. 8. Be it further enacted, That it shall be the duty of the county treasurer to examine the accounts, dockets and records of the clerks, sheriff, coroner and tax collector of his county, for the purpose of ascertaining whether any monies, of right belonging to his county, are in their hands, which have not been accounted for and paid over according to law, and shall report the same to the county court at their next term, to the end that suit may be instituted for the recovery thereof.

May retain
commissions
allowed him.

Sec. 9. Be it further enacted, That the county treasurer shall receive and may retain in his hands, such commission, not exceeding five per centum, upon the amount received and disbursed by him, as the county court in their discretion may allow.

Removable by
county court.

Sec. 10. Be it further enacted, That the county treasurer may at any time, be removed from office for mal practice, incompetence or refusal to act, by the county court, upon due notice given him, with a specification of the cause or causes, upon which it is sought to effect such removal, of the time and place of investigation, and after a fair and impartial hearing in his behalf.

Sec. 11. Be it further enacted, That the county treasurer shall keep his office at the county seat of his county.

Sec. 12. Be it further enacted, That all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed; and that this act take effect from and after its passage.

Approved, 13th May, A. D. 1846.

AN ACT

Defining the office and duties of Notaries Public.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be appointed by the Governor, by and with the advice and consent of two thirds of the Senate, a convenient number of notaries public, not exceeding six for each county, who shall reside in the county for which they are appointed, and shall hold their office for four years, and until their successors are qualified. Should a vacancy occur in the office of notary public during the recess of the Senate, the Governor shall fill such vacancy by appointment, which shall continue in force until the end of the next session of the Senate thereafter.

Appointed by
Governor;
term of office.
four years.

Sec. 2. Be it further enacted, That where a notary public is appointed to succeed another, his commission shall specify what notary he succeeds.

Sec. 3. Be it further enacted, That every person who may be appointed a notary public, before he enters upon the duties of his office, shall execute a bond with good and sufficient security, to be approved by the county court, payable to the Governor and his successors in office, in the sum of two thousand dollars, conditioned for the faithful performance of the duties of his office, and shall also take and subscribe the oath of office prescribed by the constitution, which shall be endorsed on said bond with the certificate of the officer administering the same; said bond shall be recorded in the office of the clerk of the county court, and deposited in said office and shall not be void on the first recovery, and may be sued on in the name of any party injured, from time to time, until the whole amount thereof has been recovered.

Bond re-
quired, \$2,000.

Sec. 4. Be it further enacted, That every notary public who shall be guilty of any wilful neglect of duty or misdemeanor in office, may be indicted by the grand jury of his county, and on conviction in the district court, shall be removed from office; and

Notary may be
indicted for
misdemeanor
in office.

every notary public who shall remove permanently from the county from which he is appointed, shall vacate his office.

Sec. 5. Be it further enacted, That if any notary public shall vacate his office in any manner, his record books and all public papers in his office, and his seal of office, shall be deposited with the clerk of the county court of his county, and by him shall be delivered to the successor of such notary, who shall be bound to pay to the person authorized to receive the same, the reasonable value of such seal.

Seal of office.

Sec. 6. Be it further enacted, That every notary public shall provide a seal of office, whereon shall be engraved in the centre, a star of five points, and the words "Notary Public, County of _____, Texas," around the margin, and he shall authenticate all his official acts therewith.

Notaries take proof of all instruments of writing, &c.; of married women respecting separate property;

Sec. 7. Be it further enacted, That notaries public may take the acknowledgement or proof of all instruments of writing, in the manner provided for by law, to entitle them to registration in the office of county recorder, and give certificate of all such acknowledgments and proofs, under their hand and official seals; they may take the examination and acknowledgment of married women to all deeds and instruments of writing, conveying their separate property and their interest in the homestead, in the manner provided by law.

Sec. 8. Be it further enacted, Every notary public shall have power to administer oaths and give certificates thereof, under his hand and official seal.

And all writings relating to commerce, and make protests, &c.

Sec. 9. Be it further enacted, They may take the proof or acknowledgments of all instruments of writing relating to commerce and navigation, and also of letters of attorney and other instruments of writing, make declarations and protests, and certify under their hand and seal, the truth of all matters or things done by virtue of their offices.

Shall keep memorandum of all official acts.

Sec. 10. Be it further enacted, That each notary public shall keep a memorandum of all his official acts as notary public, in a book to be kept by him for that purpose, and shall give a certified

copy of any record in his office, to any person applying therefor, on the payment of all fees thereon.

Sec. 11. Be it further enacted, That all declarations and protests made, and acknowledgments taken by notaries public, and certified copies of their records and official papers, shall be received as evidence of the facts therein stated, in all the courts of this State. All notarial acts received in evidence.

Sec. 12. Be it further enacted, That notaries public shall have the power to take the depositions of witnesses in the manner provided by law, and shall be entitled to the fees allowed to other officers for like services.

Sec. 13. Be it further enacted, That copies of all records, declarations, protests and other official acts of notaries public, may be certified by their successors, with whom they are deposited, and shall have the same authority as if certified by the notary, by whom they were originally made.

Approved, 13th May, A. D. 1846.

AN ACT

Making Appropriations for the support of the Government for the years 1846 and 1847.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums be and they are hereby appropriated for the service and support of the government for the years 1846 and 1847: For remainder of mileage and per diem pay of the members of the first legislature of the State of Texas, eighty seven members, thirteen thousand five hundred dollars; for salary of the Governor, annually, two thousand dollars; for salary of private secretary, seven hundred and fifty dollars; for contingent expenses of the executive office, annually, four hundred dollars; for salary of secretary of State, annually, twelve hundred dollars; for the salary of clerk of State de-

partment, annually, six hundred dollars; for contingent expenses of State department, annually, three hundred dollars; for salary of comptroller of public accounts, annually, twelve hundred dollars; for salary of two clerks of comptroller's office, annually, each six hundred dollars; for contingent expenses of comptroller's office, including stationery, printing, &c., annually, five hundred dollars; for salary of treasurer of the State, annually, twelve hundred dollars; for contingent expenses of treasurer's office, annually, one hundred and fifty dollars; for salary of the adjutant general, annually, and for closing up the business of the late war and marine department, one thousand dollars; for contingent expenses of adjutant general's office, including printing, etc., annually, three hundred dollars; for salary of commissioner of the general land office, annually, fifteen hundred dollars; for salary of two draftsmen of general land office, each, annually, eight hundred dollars; for salary of chief clerk of the general land office, nine hundred dollars, annually; for salary of translator and recorder of Spanish deeds of the general land office, annually, eight hundred dollars; for pay of eight of assistant clerks of the general land office, annually, each six hundred dollars; for purchase of blank patents, annually, two thousand three hundred dollars; for stationery and books of the general land office, annually, five hundred dollars; for postage of the general land office, three hundred dollars; for contingent expenses of general land office, annually, two hundred dollars; for payment of amount of claims outstanding against the general land office, incurred in the prosecution of its business, three hundred dollars; for repairing general land office, five hundred dollars; for salary of attorney general of the State, annually, one thousand dollars; for contingent expenses, annually, one hundred dollars; for salaries of three judges of the supreme court, annually, two thousand dollars each; for pay of clerk of the supreme court, annually, three hundred dollars; for contingent expenses of the supreme court, annually, one hundred and fifty dollars; for salaries of eight

judges of the district court, annually, seventeen hundred and fifty dollars each; for salaries of eight district attorneys, three hundred dollars each, annually; for payment of pension of Joseph Cecil, annually, three hundred dollars; for payment of pension of M. J. Garcia, annually, one hundred dollars; for payment of pension to Mary Milsap and family, annually, two hundred dollars; for payment of pension to J. C. Neil, annually, two hundred dollars; for payment of pension to disabled seamen, annually, six hundred and twenty two dollars; for compensation of the clerks of both houses of the legislature, per day, four dollars each; for compensation of sergeant-at-arms and door keepers of both houses of the legislature, three dollars per day each; for payment of printing the laws and journals of the senate and house of representatives, four thousand dollars; for salary due captain J. S. Sutton for his services at the Austin arsenal, nine months, at forty dollars per month; for the erection of a penitentiary, ten thousand dollars; for balance of appropriation made by last congress, now due Mr. Antonio Navarro, six hundred and fifty dollars.

Sec. 2. Be it further enacted, That the sum of one thousand dollars be appropriated for the payment of salaries due such offices of the late Republic, as may not have been relieved from their duties and responsibilities by law.

Sec. 3. Be it further enacted, That the clerks continued in the service of the government, in the different departments, since the nineteenth day of February last, shall be paid, up to the eleventh of May, at the same salaries received under the government of the Republic of Texas, and that the same is hereby appropriated.

Sec. 4. Be it further enacted, That one tenth of the annual revenues of the State, as paid in, be set aside for educational purposes, as provided for by the constitution.

Sec. 5. Be it further enacted, That the compensation allowed by this act, to the officers of the civil list, shall be computed from the date of their installation into office under the government of the State of Texas: Provided, that no clerk or other

officer, shall receive pay under the provisions of the third section of this act, and by virtue of any office they may hold under the government of the State of Texas at the same time.

Sec. 6. Be it further enacted, That the sum of five hundred dollars, be, and the same is hereby appropriated, for the survey of land scrip that has been surveyed previous to the second day of May, A. D. 1846; and the sum of five hundred dollars annually, for land scrip that may be surveyed during the years 1846 and 1847.

Sec. 7. Be it further enacted, That the sum of five hundred dollars, be, and is hereby appropriated to G. W. Terrell, for his services in part as chargé to France, which may be drawn from the treasury of the State by his wife, Mrs. Ann Terrell.

Sec. 8. Be it further enacted, That the sum of four hundred and forty four dollars and forty four cents, be, and is hereby appropriated for pay of salary to the late K. L. Anderson, Vice President of the Republic, which may be drawn from the treasury of the State by Mrs. K. L. Anderson.

Sec. 9. Be it further enacted, That this act shall take effect from and after its passage.

Approved, 13th May, A. D. 1846.

AN ACT

Creating the Seal of the Adjutant General's Office.

Section 1. Be it enacted by the Legislature of the State of Texas, That the adjutant general be required to procure a seal for the authentication of all instruments of writing emanating from his office, with the following device: Said seal shall be the same as that heretofore used in the war department, except the words "War Department, Republic of Texas," which should be changed to "Adjutant General's Office, State of Texas."

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, May 13th, A. D. 1846.

AN ACT

To provide for the Assessment and Collection of Taxes.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be elected by the qualified electors in each and every county within the State of Texas, on the second Monday in July, 1846, an assessor and collector of taxes, who shall hold his office for and during the term of two years, and until his successor shall have been qualified; and should, from any cause, the office of assessor and collector become vacant, before the expiration of such term, it shall be the duty of the county court of the county in which such vacancy shall occur, to appoint an assessor and collector of taxes, who shall be qualified in the same manner and subject to a like bond as the assessors and collectors elected; and the assessors and collectors so appointed, shall hold their office for and during the unexpired term of his predecessor, and until his successor shall have been qualified.

Election of assessor and collector.

Sec. 2. Be it further enacted, That every assessor and collector of taxes shall, within twenty days after he shall have received notice of his election or appointment, and before entering upon the execution of the duties of his office, give a bond to the Governor of the State and his successors in office, in a sum which the county court shall consider double the probable amount of the State tax to be assessed in the county for one year, with at least three good and suffi-

Bond to be given to Governor.

cient securities, to be approved of by the county court of their respective counties, and shall take and subscribe the oath prescribed by the constitution, which together with said bond, shall be recorded in the office of the county clerk of their respective counties, and deposited in the office of the comptroller of public accounts, which bond shall be renewed in each and every year during the July term of the county court: such bond shall be deemed to extend to the faithful execution of the duties of such assessor and collector of taxes, and shall not become void upon the first recovery, but suit may be had thereon until the whole amount thereof be recovered.

Bond to chief justice.

Sec. 3. Be it further enacted, That the assessors and collectors of taxes, shall give a like bond, with the like conditions, to the chief justices of their respective counties, and successors in office, in the sum not less than double the probable amount of the county tax to be assessed in the county for one year, which bond shall be recorded and deposited in the county clerk's office of their county, and shall be renewed in each and every year during the July term of the county court, which bond shall not become void upon the first recovery, but suit may be had thereon until the whole amount thereof be recovered.

Assessment roll required.

Sec. 4. Be it further enacted, That the assessors and collectors of the several counties of this State, shall severally prepare an assessment roll for their respective counties, in which they shall set down in separate columns, the names of the taxable inhabitants, the amount and description of property taxed, real and personal, the value thereof, and the amount of taxes due from each inhabitant: Provided, that the inhabitants of all new counties formed by the first legislature of the State of Texas, in cases where such counties do not organize, shall be subject to the payment and collection of taxes, as though such new counties had not been formed.

Sec. 5. Be it further enacted, That between the first days of March and July, in each and every year, it shall be the duty of each assessor and collector within this State, to ascertain and assess all the taxable property, real and personal, and all taxable inhabitants in their respective counties, for which purpose he shall call at least once on the person (residing in the county) taxed, or on the agent or attorney of such person, for a list of his taxable property.

Assessment to be made between first of March and first of July.

Sec. 6. Be it further enacted, That every such inhabitant within the time specified, shall make out and deliver to the assessor and collector of his county, a list of all his taxable property, real and personal, specifying particularly the description and valuation thereof, designating land in lots, in any city, town, or village, from other land, verified by oath made before the assessor and collector, or any justice of the peace of his county, which oath shall be as follows: I, A. B., do solemnly swear, or affirm, that this list contains a correct and true account, description and valuation of all taxable property, real and personal, which I own or was possessed of as guardian, executor, administrator, agent, or attorney, or for any person owning property in the State of Texas, on the 1st day of March of the present year.

Returns of property made under oath.

Sec. 7. Be it further enacted, That it shall be the duty of the comptroller of public accounts, to receive and enter to the credit of the collector of the proper county, the taxes due to such county, which may be received by the comptroller from the tax collectors of other counties.

Taxes of one county paid in another to be credited to collector.

Sec. 8. Be it further enacted, That whenever any person is assessed, as trustee, guardian, executor, administrator, agent or attorney, he shall be assessed as such with the addition to his name of his respective character, and such assessment shall be carried out in a separate line from his individual assessment.

Assessment of trustees, &c.

Refusal to
render a list
of property.

Sec. 9. Be it further enacted, That if any person, when called upon by the assessor and collector of taxes of the county in which such person resides, shall fail or refuse to render a list of his or her property, real or personal, or of that held by him as executor, administrator, guardian, agent or attorney, which is liable to taxation, such person shall be liable to a fine of not less than ten nor more than five hundred dollars, for the use of the State or county, as the case may be, to be recovered before any court of competent jurisdiction; and it shall be the duty of the assessor and collector of every county, to report all such cases to the proper court, and to attend there as a witness to prove such failure or refusal.

Assessor shall
make return
of property of
non-residents.

Sec. 10. Be it further enacted, That it shall be the duty of each assessor and collector of this State, to make out a list of all taxable property in his county, owned by non-residents of the county which has not been given in for assessment, according to the provisions of this act, and for that purpose it shall be their duty to examine the records and maps of their respective counties, and all such property shall be assessed in the name of the owner, if he be known, but if not, then it shall be assessed by a description of the property; if lands, it shall be described by the number of the tract, quantity of acres, and to whom patented, or to whom surveyed for patent; the value of all such property shall be determined by the assessor and collector, who shall appraise the same at its cash valuation, and no more.

Assessment
roll of non-
residents to
be filed, &c.

Sec. 11. Be it further enacted, That each and every assessor and collector of taxes shall make out, complete, and certify the assessment roll of his respective county, on or before the second Monday in July, in each and every year, and shall make out three fair copies thereof, each containing in separate columns, a list of taxable property, real and personal, supposed to belong to

non-residents of the county, ascertained in the manner prescribed in the preceding section, the name of the owner, if known, and valuation of the same, one of which shall be retained by the assessor and collector, one he shall deposit in the county clerk's office of his county, and one shall be deposited in the office of the comptroller of public accounts of the State, on or before the first day of September in each and every year.

Sec. 12. Be it further enacted, That if any assessor and collector of taxes shall wilfully fail or refuse to make out and return his assessment roll as required by the provisions of this act, or shall make out and return an unfair or false assessment roll, he shall in each, or in either case, forfeit and pay for the use of the State or county, as the case may be, double the amount of the damages sustained by the State or county, by the malfeasance of such assessor and collector, to be recovered of such assessor and collector, and securities, by suit, in any court of competent jurisdiction.

Assessor refusing to return assessment roll punished.

Sec. 13. Be it further enacted, That whenever any assessor and collector shall ascertain that any taxable inhabitants and property in his respective county have not been assessed, under the provisions of this act, for any particular year, he shall assess the same in his next assessment roll, at the same rate that such inhabitant and property should have been assessed at for each year; and such assessment shall be entered at the end of the assessment roll, stating the years for which such inhabitant and property should have been assessed, and the taxes thereon shall be collected in the same manner as other assessments.

Any property not assessed may be assessed next year.

Sec. 14. Be it further enacted, That every assessor and collector of taxes, in the execution of the duties of his office, shall use the forms and pursue the instructions of the comptroller of public accounts, and upon producing to the comptroller of public accounts, after his assessment has been completed, a certificate from the county

Assessor shall follow instructions of comptroller; may charge eight per cent. and pro rata.

court of his county, that the assessment made and the roll deposited in the county clerk's office of his county is a fair, correct and true assessment of his county, such assessor and collector shall receive a compensation, on the amount of assessment for the use of the State, of eight per cent. upon all sums of one thousand dollars and less, five per cent. upon all sums less than two thousand dollars and more than one thousand dollars, four per cent. upon all sums less than five thousand dollars and more than two thousand dollars, three per cent. upon all sums less than ten thousand dollars and more than five thousand dollars, and for all sums over ten thousand dollars one per cent. on the amount thereof, and shall receive upon the amount of assessment made for the use of the county, a like per cent.

Shall advertise property of non-residents.

Sec. 15. Be it further enacted, That so soon as the assessment roll of any county shall have been returned to the comptroller of public accounts, he shall cause to be advertised in some newspaper printed at the seat of government, at the lowest rate, a list of the property belonging to non-residents of such county, stating the name of the original grantee, and the owner if known, and the amount of State and county tax due on each tract of land, which advertisement shall be continued until the first day of January in each and every year.

Mode of collecting taxes.

Sec. 16. Be it further enacted, That every assessor and collector of taxes shall, so soon as he shall have made out and returned the assessment roll of his county, as required by the provisions of this act, proceed to collect the taxes therein mentioned, and for that purpose shall call at least once on each and every person taxed, or on the agent or attorney of such person, or at the usual place of his or her residence, if within the county, and demand the payment of the taxes charged on his person or property.

Assessor may make levy on property.

Sec. 17. Be it further enacted, That if any person shall neglect or refuse to pay the tax imposed

on him and his property, by law, until the first day of January in each year, the assessor and collector shall levy by virtue of his tax list, upon so much property liable to taxation, belonging to such person, to be found in his county, as may be sufficient to pay such taxes.

Sec. 18. Be it further enacted, That every assessor and collector of taxes shall give notice of the time and place of the sale of the property so levied upon to be sold, at least thirty days previous to the day of sale, by advertisement in writing, to be posted up at the courthouse door of his county, and at least three other public places therein, and every such sale shall take place at the court-house of the county in which such levy is made, and shall be by public auction; and if the property so levied upon, prove to be insufficient to satisfy the amount of taxes due, the assessor and collector shall levy upon and sell so much other taxable property, belonging to such person, as will be sufficient to satisfy such taxes, in the manner prescribed in the preceding part of this section, and paying the taxes; the surplus, if there be any, shall be paid over to the person for the payment of whose taxes the levy and sale shall have been made.

Shall give 30
days notice
before selling.

Sec. 19. Be it further enacted, That it shall be the duty of the assessor and collector, when any property shall be sold for the payment of taxes, to make and execute a deed to the person purchasing the same, conveying all the right, title and interest, which the person assessed had in and to the same; which, when recorded according to law, shall be as binding and as valid as any other instrument of conveyance: Provided, however, that the owner of such property shall have the right to redeem the same within twelve months of the day and date of the sale thereof, upon payment of double the amount of the taxes for which the same was sold.

Assessors
shall make
deed to pur-
chasers.

Sec. 20. Be it further enacted, That whenever any person, after having been assessed in any

Persons re-
moving from

county after
assessment.

county, shall remove therefrom, without leaving sufficient taxable property in the county from which such person removes to satisfy the taxes due by him, it shall be the duty of the assessor and collector thereof, to certify the same under the seal of the county court to the assessor and collector of the county to which such person shall have removed, and who shall collect such assessment by levy and sale, by virtue of such certificate, as in other cases, and transmit the same, after a deduction of eight per cent. thereof, to the assessor and collector of the county in which such assessment was made.

Taxes may be
paid out of
county where
assessed.

Sec. 21. Be it further enacted, That it shall be lawful for any person or persons who may own lands or other property liable to taxation, situated in [any] other county than that in which such person may reside, to pay all taxes due upon the same, to the comptroller of public accounts, or to the assessor and collector of the county in which he resides, or in which such property may be situated: Provided, however, that the taxes of such person be paid to the comptroller of public accounts, on or before the first day of January of each year; and it shall be the duty of the comptroller of public accounts to furnish a list of all such taxes so paid to him, together with the names of the persons paying the same, to the assessor and collector of the county for which said taxes were paid: Provided, that when payment is made to the assessor and collector of the county in which the owner resides, the assessor and collector shall give separate specific receipts for the lands in each county, corresponding with the comptroller's published list.

Taxes may be
paid on part of
any lot, &c.

Sec. 22. Be it further enacted, That it shall be the duty of the assessor and collector of taxes, or the comptroller of public accounts, as the case may be, to receive the tax on a part of any lot, piece or parcel of land charged with taxes: Provided, the person paying such taxes shall furnish the assessor and collector, or the comptroller of

public accounts, with a particular specification of such part, or if the part on which the tax shall be so paid be an undivided share, shall state to the assessor and collector, or comptroller of public accounts, as the case may be, who the owner of such share is, that it may be excepted in case of sale for tax on the remainder.

Sec. 23. Be it further enacted, That the assessors and collectors of taxes, in the State of Texas, shall receive in payment of all taxes and revenue imposed according to law, all coins made current by the laws of the United States, and the exchequer bills of the Republic of Texas.

All lawful coins receivable for taxes.

Sec. 24. Be it further enacted, That it shall be the duty of each and every assessor and collector within this State, to pay over all monies by him collected for the use of the State, into the treasury thereof, on or before the first day of January in each and every year, and on or before the same day in each and every year, to pay over into the treasury of the county the monies collected for the use of the county.

Assessor to pay over money collected.

Sec. 25. Be it further enacted, That each and every assessor and collector of taxes, shall annually, by the first day of January, make out three full and correct lists, of all the delinquent tax payers residing in his county, and of the amount of taxes due by each, and also three descriptive lists of all taxable property in his county, upon which the taxes remain unpaid, belonging to non-residents, who shall in said list be named, if known, and if unknown shall be so described, one of each of which lists shall be filed in the office of the clerk of the county court of his county, another shall be posted up at the courthouse door of his county, and the other shall be transmitted to the comptroller of public accounts; but upon a settlement, no allowance shall be made for insolvent persons, unless the assessor and collector shall present a list thereof, certified to by the county court of his county, as being a correct copy of the list of insolvent taxed persons

Shall make lists of property not taxed, for publication.

filed in the office of said court, and said assessor and collector shall thereafter collect, if practicable, the taxes due from the delinquents therein specified, and make return thereof immediately, as required by law.

Compensation
for collection.

Sec. 26. Be it further enacted, That every assessor and collector of taxes of the State, on the settlement of his accounts with the comptroller of public accounts, shall be entitled to a compensation on the amount by him collected and paid into the treasury for the use of the State, eight per cent. upon all sums of a thousand dollars and less; five per cent. upon all sums less than two thousand and more than one thousand dollars; four per cent. upon all sums less than five thousand and more than two thousand dollars; three per cent. upon all sums less than ten thousand and more than five thousand dollars; and one per cent. upon all sums over ten thousand dollars; and, on a settlement of his accounts with the county treasurer of his county, the same per cent. upon the amount collected by him and paid into the treasury for the use of the county.

Assessor de-
manding more
than lawful
taxes.

Sec. 27. Be it further enacted, That if any assessor and collector of taxes shall demand and receive of any person, more than lawful taxes, said officer shall forfeit and pay (upon conviction before any court of competent jurisdiction,) to the use of the party aggrieved, five times the amount so demanded and received.

Assessor fail-
ing to pay into
the treasury.

Sec. 28. Be it further enacted, That if any assessor and collector shall fail to pay into the State treasury the amount of taxes by him collected from each of the inhabitants of his county, for the use of the State, on or before the day at which the same is payable by the provisions of this act, and to pay into the treasury of his county the entire amount of taxes by him collected, for the use of the county, such assessor and collector and his sureties, shall be liable to be sued on their bond or bonds, for the damages sustained by the State or county, and shall pay the

costs and charges of such suit, whether the ultimate decision be in his favor or against him.

Sec. 29. Be it further enacted, That if any person or persons wish to engage in any vocation or calling, upon which a license tax has been imposed by law, such person or persons shall, before engaging therein, pay to the assessor and collector of the county in which such vocation or calling is intended to be pursued, the amount of tax imposed upon the same for the use of the State, and obtain a receipt therefor, which receipt upon being presented to the county clerk, shall entitle such person or persons to a license to pursue such vocation or calling, for twelve months, and no longer; and if the tax be for the use of the county, such person or persons shall pay the amount of tax to the county treasurer, and his receipt for the same shall entitle such person to a license to pursue such vocation or calling for twelve months, and no longer: Provided, however, that in either case such license may be renewed annually.

Sec. 30. Be it further enacted, That if any person or persons shall fail or refuse to pay the amount of tax before engaging in any vocation or calling, and obtaining license therefor, according to the provisions of the preceding section, such person shall forfeit and pay double the amount of such license tax, for each and every month which such person or persons shall continue to engage in such vocation or calling, to be recovered before any court of competent jurisdiction; and it shall be the duty of the several assessors and collectors of taxes, and of the county treasurers of the different counties, to report to the proper court, and attend thereon as witnesses for the State, all persons pursuing in their respective counties any vocation or calling upon which a tax is imposed by law, without having previously obtained a license therefor; and all sums of money recovered under the provisions of this

Licenses obtained.

Persons failing to pay tax and obtain license, forfeit, &c.

act, shall, when collected, be paid into the treasury of the State or county, as the case may be.

Approved, 13th May, A. D. 1846.

AN ACT

Defining the Office and Duties of Coroners.

Elected for
two years.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be elected by the qualified electors of each county of this State, one coroner, who shall hold his office for two years, and until his successor shall be elected and qualified; should a vacancy occur in the office of coroner, an election shall be ordered by the chief justice to fill the vacancy, and the person elected shall continue in office until a coroner shall be elected, at the next regular election for county officers, and qualify according to law.

Bond and oath
required.

Sec. 2. Be it further enacted, That every person who may be elected to the office of coroner, shall, before entering upon the duties of the office, give a bond with two or more good and sufficient securities to be approved by the county court of his county, for such sum as may be directed by such court, not less than two nor more than five thousand dollars, payable to the Governor and his successors in office, conditioned for the faithful performance of all the duties required of him by law, by virtue of his office; and shall also take and subscribe the oath of office prescribed by the constitution, which shall be endorsed on said bond, together with the certificate of the officer administering the same, which bond and oath shall be recorded in the office of the clerk of the county court, and deposited in said office; said bond shall not be void on the first recovery, but

may be sued on from time to time, in the name of any person injured, until the whole amount thereof is recovered.

Sec. 3. Be it further enacted, That whenever any of the securities of a coroner shall die, remove permanently from the State, or become insolvent, or whenever the county court shall deem the coroner's securities to be insufficient, said court shall cite said coroner to appear at a time to be named in such citation, not less than twenty nor more than thirty days after issuing such citation and give a new bond with good and sufficient security, and if such coroner shall neglect or refuse so to do, his office shall be declared vacant. Death, removal, or insufficiency of securities.

Sec. 4. Be it further enacted, That whenever any person elected coroner shall neglect or refuse to give bond, and take the oath of office as required by this act, within twenty days after notice of his election, the office shall be deemed vacant. Neglect to give bond.

Sec. 5. Be it further enacted, That any coroner who shall be guilty of any wilful neglect of duty, corruption, or partiality, or malfeasance in office, may be indicted therefor by a grand jury, in the district court of his county, and on conviction thereof, by a petit jury, shall be removed from office. Neglect of duty.

Sec. 6. Be it further enacted, That every coroner shall be a conservator of the peace for his county, and shall arrest all offenders against the laws of this State in his view or hearing, and take them before the proper court or officer for examination or trial; he shall quell and suppress all assaults and batteries, affrays, insurrections and unlawful assemblies, and he shall apprehend all felons and other offenders, and take them before some justice of the peace, for examination or trial. Coroners conservators of the peace.

Sec. 7. Be it further enacted, That it shall be the duty of each coroner to execute and return all process, of whatever nature the same may Shall execute all process, &c.

be, where the sheriff is a party, and in all cases, where just exceptions can be taken to the sheriff or his deputies, or where there is no sheriff.

Process shall
issue to coro-
ner in certain
cases.

Sec. 8. Be it further enacted, That in all cases, upon affidavit filed with the clerk of any court in this State, of the partiality, prejudice, consanguinity, or affinity of the sheriff of any county, where suit is brought or to be brought, or shall have commenced, the clerk shall issue and direct the original or other process in the suit to the coroner, who shall execute the same and attend to the suit throughout, in the same manner as the sheriff should do in like cases.

Coroner shall
have same
power as
sheriffs, &c. &c.

Sec. 9. Be it further enacted, That in all cases where the coroner is required to perform any duties appertaining to the office of sheriff, he shall have the same power and authority as a sheriff could have in like cases, and he shall be subject to like penalties for any refusal or neglect to perform such duties, to be enforced in the same manner; and he shall be entitled to the same fees as sheriffs would be, to be collected in the same manner.

Notice of cer-
tain deaths to
be given to
coroner.

Sec. 10. Be it further enacted, That if any person die in prison, or if any person be slain, or if any person die an unnatural death, except by the sentence of the law, or if the dead body of any person be found and the circumstances of the death be unknown, information of the death shall be immediately given to the coroner of the county.

Coroner to
order a jury of
inquest.

Sec. 11. Be it further enacted, That it shall be the duty of the coroner, on the receipt of any such information, forthwith to issue a precept directed to any constable of the county, requiring him to summon without delay, not less than twelve nor more than twenty persons qualified to serve as jurors, to appear at the place where the body lies, and if twelve do not appear, he shall summon others until that number do appear.

Sec. 12. Be it further enacted, That when the requisite number of jurors appear, such coroner

shall administer to them the following oath: "You do solemnly swear, that you will diligently enquire into the cause, time, manner and circumstances of the death of the person whose body lies before you, and that you will thereupon make presentment of the truth, the whole truth and nothing but the truth, that shall come to your knowledge, so help you God." And after such oath shall have been administered and the coroner and jurors shall have received the body, they shall proceed to enquire into the cause, manner and circumstances of the death.

Oath to jury.

Sec. 13. Be it further enacted, That the coroner shall have power to issue subpoenas for witnesses, and in case they neglect or refuse to appear, shall have power to compel their attendance by attachment, and in case they refuse to give evidence, after appearing, he shall have power to commit them to jail until they consent to give evidence.

Coroner may summon witnesses.

Sec. 14. Be it further enacted, That the testimony of each witness shall be reduced to writing, and read to and signed by the witness; and if the coroner shall think it necessary, he may require any of the witnesses to enter into recognizance to the State, to appear at the proper court to give evidence.

Testimony taken in writing.

Sec. 15. Be it further enacted, That the coroner may issue a warrant, directed to any lawful officer, requiring him to arrest and bring before him forthwith, any person suspected of having had any agency in such death, and the voluntary declarations of such suspected person shall be taken down in writing and read to and signed by him, if he is willing to sign them.

May issue a warrant to arrest suspected persons.

Sec. 16. Be it further enacted, That at least twelve of the jurors shall agree to the inquisition, and such inquisition may be in the following form: "State of Texas, County of

Form of inquisition.

An inquisition taken at _____ day of _____ A. D. 18 _____ in said county of _____ before coroner of said county, upon the view

of the dead body of _____, (here insert the name of the deceased, if known, or if unknown, a description of the person, by apparent age, size, clothes, &c., &c.,) by the oaths of _____ (here insert the jurors names,) good and lawful jurors of said county, who being in due form sworn, say the said _____ came to his death _____ (here insert the time, cause, manner and circumstances of the death as found). In testimony whereof, as well the said coroner as the said jurors have hereunto set their hands the day and year first aforesaid."

Coroner may take bail from a person in custody.

Sec. 17. Be it further enacted, That if it be found by any inquisition that the death of the deceased was caused by the act, abetment, procurement, command, or counsel of any person who is in custody, and it is a bailable case, such coroner shall take from him a bond and security to the State, in any sum not less than one hundred nor more than ten thousand dollars, conditioned that he will appear at the next term of the district court of said county, then and there to answer the charges exhibited against him, and that he will not depart therefrom without leave of the court; if the case is not bailable he shall commit him to the jail or sheriff of the county; if such person be not in custody, then the coroner shall issue a warrant directed to any lawful officer, commanding him to apprehend such person and take him before any justice of the peace of said county, to be dealt with according to law.

Shall deliver inquisition to clerk of district court.

Sec. 18. Be it further enacted, That the coroner shall deliver every inquisition, with all the examinations, depositions and recognizances concerning the case, to the clerk of the district court of his county, on or before the first day of the term of the court after taking the same, who shall immediately lay the same before the district attorney prosecuting for such county.

Fine for non-attendance of persons summoned.

Sec. 19. Be it further enacted, That if any person, summoned to attend as a juror before any coroner, shall fail or refuse to attend, he shall

forfeit and pay the sum of five dollars for the use of the county, to be recovered with costs before any justice of the peace, unless he shall show good cause for such non-attendance, on motion of the officer summoning him, three days notice of such motion being given to such person.

Sec. 20. Be it further enacted, That if a body on which an inquisition ought to have been held, be interred without an inquisition, the coroner may cause the body to be disinterred, to hold an inquisition thereon.

Coroner may cause a body to be disinterred.

Sec. 21. Be it further enacted, That in case the coroner shall be absent from the county or unable to serve, or in case he resides more than ten miles from the place where any person may be found dead, as described in this act, the inquisition may be taken by the nearest justice of the peace, who shall have full power and authority to do and perform all such things as are required by a coroner, and shall receive the same fee as a coroner for such services.

Absence or disability of coroner, justice of the peace may serve.

Sec. 22. Be it further enacted, That this act shall take effect and be in force from and after the second Monday in July, 1846; and from and after that time all laws and parts of laws conflicting with the provisions of this act, be and the same are hereby repealed.

Approved, May 13th, 1846.

AN ACT

To Regulate Proceedings in the District Courts.

Section 1. Be it enacted by the Legislature of the State of Texas, That no person who is an inhabitant of this State shall be sued out of the county where he has his domicile, except in the following cases, viz: First—in case of married

women, who must be sued in the county where her husband has his domicile; second—in case the defendant is a transient person, in which case he may be sued in whatever county he may be found; third—in cases where there may be two or more defendants, residing in different counties, in which cases the plaintiff may institute suit in any county where any of such defendants may reside; fourth—in cases where a person has contracted to perform an obligation in any particular county, in which case suit may be instituted in that county, or where the defendant has his domicile; fifth—in cases of executors, administrators or guardians of an estate, or trustees, who must be sued in the county in which the estate is administered; sixth—in cases of fraud, and also in case of defalcation of public officers, in which cases suit may be instituted in the county where the fraud was committed, or where the defalcation occurred, or where the defendant has his domicile; seventh—where the defendant has committed some crime or offence for which a civil action in damages may be commenced, on which cases suit may be instituted in the county where the crime or offence was committed, or in the county where the defendant has his domicile: provided, that prosecutions by the State for crime or offence shall always be in the county where such crime or offence was committed; eighth—in cases where the suit is for a slave, animal, or other movable property, in which cases suit may be instituted in whatever county such property may be found, or where the defendant resides; ninth—in cases where the defendant has inherited an estate, concerning which suit is commenced, in which case suit may be instituted in the county where the estate principally lies; tenth—in cases for the foreclosure of mortgages, in which cases suit may be instituted in the courts where the mortgaged property or any part thereof may be; eleventh—in cases where the recovery of land, or damages thereto, is the object

of a suit, in which cases suit must be instituted where the land or a part thereof is situated.

INSTITUTION OF SUITS.

Sec. 2. Be it further enacted, That no civil suit shall be instituted, nor shall any process be had in any suit, on Sundays, except in cases of attachment or sequestration.

Sec. 3. Be it further enacted, That all civil suits in the district court shall be commenced by petition filed in the office of the clerk of the district court.

Sec. 4. Be it further enacted, That no person shall be sued as endorser, as guarantor, or as security, unless suit shall have been, or is simultaneously commenced against the principal, except in cases where the principal resides beyond the limits of the State, or in a county that is not organized, or where he is insolvent.

Sec. 5. Be it further enacted, That the petition may be filed by the plaintiff or attorney, and shall set forth clearly the names of the parties and their residence, if known, with a full and clear statement of the cause of action and such other allegations, pertinent to the cause, as he may deem necessary to sustain the suit, and also a full statement of the nature of the relief he requests of the court.

Sec. 6. Be it further enacted, That the clerk or deputy, receiving such petition, shall endorse thereon, the day on which it is filed, and also, the number thereof, and shall enter the suit in a docket, to be kept for that purpose, in the order in which it is filed, stating in a convenient form, the number of the suit, the names of the parties and their attorneys, the object of the suit, the officer's return, and all subsequent proceedings in the suit, specifying the time they were had.

Ses. 7. Be it further enacted, That any party to a suit, at any time before final judgment, upon motion of the other party, or of any officer of the

court interested in the costs accruing in such suit or action, may be ruled to give security for the costs, and if such rule be entered against the plaintiff, and he fail to comply therewith, on or before the first day of the next term, the suit shall be dismissed.

Sec. 8. Be it further enacted, That every person, whether plaintiff or defendant, who shall make affidavit before the clerk that he is too poor to pay the fees of office, shall be entitled to receive from such clerk all such process as will enable him to prosecute or defend his suit, free of costs.

Sec. 9. Be it further enacted, That it shall be the duty of the clerk, when a petition is filed, and the regulations herein before provided are complied with, to issue a writ or citation, directed to the sheriff or other proper officer of the county or counties in which the petition alleges that the defendant or defendants are, requiring him to summon the defendants to appear at the proper term of the court, then and there to answer the plaintiff's petition, a certified copy of which shall accompany each writ or citation; and if there be more than one defendant, the clerk shall issue a writ or citation to each, accompanied with a copy of the petition.

Sec. 10. Be it further enacted, That the style of all writs and process shall be—"The State of Texas," and shall be tested in the name of the clerk of the court from which it is issued; it shall also state the name of the parties to the suit, the time and place of holding the court; shall be dated, and signed by the clerk, with the seal of the court affixed; excepting subpoenas, which may be issued without the seal, and the clerk issuing any process, shall mark thereon the day on which it issued.

Sec. 11. Be it further enacted, That when it is alleged in the petition, or appears in the course of a suit, that any defendant is not an inhabitant of the State, that he is absent therefrom, or that he is a transient person, upon the plaintiff, his

agent or attorney making affidavit to the truth thereof, it shall be the duty of the clerk to issue a citation or writ to the sheriff, or other proper officer of the county, setting forth therein, in addition to the requisites of an ordinary citation, a brief statement of the substance of the petition or suit in which the same is issued, requiring him to cite the defendant by making publication of the citation in some newspaper published in the county, if there be one, but if not, then in the nearest adjoining county where there is one, for eight successive weeks previous to the return day of such process.

Sec. 12. Be it further enacted, That in case where the plaintiff shall allege in his petition, or where it shall appear in the course of the suit that it is important that the heirs, successors, or representatives of any named person, parties to such suit, and the name of such heirs, successors, or representatives are unknown, upon the plaintiff, his agent or attorney making affidavit to the truth thereof, it shall be the duty of the clerk to issue a like citation or writ, directed to the sheriff, or other proper officer of the county, requiring him to cite such heirs, successors or representatives, where names are unknown, giving the names of the original deceased party, their ancestor, by making publication of the citation in some newspaper published in the county, if there be one, but if not, then in the nearest adjoining county where there is one, for twelve successive weeks previous to the return day of such process; when such notice is given and no appearance is entered within the time allowed for pleading, the court shall appoint an attorney to defend, on behalf of such heirs, successors, or representatives, and proceed in the cause as in other cases.

Sec. 13. Be it further enacted, That any party to a suit, his agent or attorney, may waive the necessity of the issuance or the service of any writ or process required to be served on him in

the suit, and accept such service thereof: Provided, that such waiver or acceptance shall be made in writing, signed by such party, his agent or attorney, and filed among the papers of the suit, as a record.

Sec. 14. Be it further enacted, That the sheriff or other officer receiving any process shall endorse thereon the day on which he received it, and shall execute the same where not otherwise directed by the writ, or citation, by delivering to the party or parties in person, upon whom he is required to serve it, a copy thereof, and a copy of the petition accompanying it, if there be one, if the party can be found; when the process directs other mode of service, it shall be executed according to the requirements of the process.

Sec. 15. Be it further enacted, That all civil process, except subpoenas and notices, shall be returnable on the first day of the term after which it is issued, unless it be issued too late to be served before such term, when it shall be returnable on the first day of the term thereafter; shall be served at least five days before the return day thereof, exclusive of the day of service and the return day, and shall be returned on or before the first day of the term of the court to which it is returnable: Provided, that writs of habeas corpus, mandamus attachment for contempt, and capias in criminal cases, may be made returnable at the same term in which they were issued, or if in vacation, then to such reasonable [within such recoverable time?] as the judge in his discretion may direct.

Sec. 16. Be it further enacted, That subpoenas for witnesses and necessary notices in the course of a suit may be executed and returned at any time before the trial of a suit in which they are issued; subpoenas shall be served by being read to the witness, and service thereof may be accepted by any witness, in writing on the back thereof.

Sec. 17. Be it further enacted, That the return of

the sheriff or other officer shall be made in writing on the back of the process, or attachment thereto; shall state fully the time and manner of service, and shall be served by him officially.

Sec. 18. Be it further enacted That any mistake, or informality in a return, may be corrected by the officer at any time, under the direction of the court.

Sec. 19. Be it further enacted That when any process shall have been improperly served, or shall not have been returned, or shall have been returned without service, it shall be the duty of the clerk, upon the application of any party interested, his agent or attorney, to issue other process, directed to the sheriff or other officer of the same or any other county, as the party applying may direct.

Sec. 20. Be it further enacted That every clerk, sheriff, or other officer failing or neglecting, or refusing to perform any duty directed by this act, shall be liable to fine for contempt, in a sum not less than ten nor more than one hundred dollars, at the discretion of the court having cognizance of the same, and also to damages with costs at the suit or action of any person injured.

Sec. 21. Be it further enacted, That process against a sheriff shall be issued to and served by the coroner of the county, if there be one, but if there be no coroner, or if he be unable to act, then such process may be issued to and served by any constable of the county, the return thereof always to be in the same mode as directed for service by sheriffs.

Sec. 22. Be it further enacted, That every party upon whom any valid process is served, shall obey the requisites of such process under such penalty as may be prescribed by law.

PLEADINGS.

Sec. 23. Be it further enacted, That upon the second day of the meeting of every district court,

the judge shall call over the docket of causes, and in all causes where the process has been served according to law (except such as have been brought by appeal from an inferior court) in which the defendant has not filed an answer, he shall enter judgment by default against such defendant.

Sec. 24. Be it further enacted, That if the defendant does not file his answer before the fifth day after the meeting of the court, the plaintiff may have such judgment by default made final, on such fifth day, or at any time thereafter, and if the cause of action is liquidated and proven by any instrument in writing, the judge or clerk shall assess the damages of the plaintiff, but if the cause of action is unliquidated and not proven by instruments in writing, a jury shall be sworn to try the cause ex-parte, and assess the damages of the plaintiff.

Sec. 25. Be it further enacted, That no judgment shall be rendered in any case of attachment, unless the citation has been served in the ordinary mode, or publication, as herein provided.

Sec. 26. Be it further enacted, That in suits where service of the process has been made by publication, no judgment final, by default, shall be taken at the term of the court to which such process is returnable, but all such suits shall be continued to the next term, when they shall be called over by the judge with the other suits, and judgment final may be entered, as in cases where the ordinary service has been made.

Sec. 27. Be it further enacted, That if in any suit the defendant shall file his answer before the fifth day after the meeting of the court, the judgment entered against him by default shall be set aside.

Sec. 28. Be it further enacted, That the plaintiff or his attorney may enter a discontinuance on the docket of the clerk in vacation, in any suit wherein the defendant has not answered, on the payment of all costs that have accrued thereon.

Sec. 29. Be it further enacted, That the defendant in his answer may plead as many several matters, whether of law or fact, as he shall think necessary for his defence, and which may be pertinent to the cause: Provided, that he shall file them all at the same time, and in due order of pleading.

Sec. 30. Be it further enacted, That no plea of non est factum shall be received or admitted from any party other than such as are sued as the representatives of other persons, unless the party pleading the same shall make affidavit to the truth thereof; and no plea of non est factum shall be received or admitted from any person sued as the representative of another, unless some suspicion be cast on the instrument upon which such plea is founded, by the affidavit of such representative.

Sec. 31. Be it further enacted, That no plea in abatement, except a plea to the jurisdiction of the court, or where the truth of the plea appears of record, shall be received or admitted, unless the party pleading the same, or some other person for him, shall make affidavit to the truth thereof.

Sec. 32. Be it further enacted, That all the pleas filed shall be taken up and disposed of by the court in due order of pleading, under the direction of the court.

Sec. 33. Be it further enacted, That all pleas in abatement, and all other dilatory pleas or demurrers, not involving the merits of the cause, shall be determined during the term at which they are filed, if the term of court continue long enough.

Sec. 34. Be it further enacted, That the pleadings in all suits may be amended under the direction of the court, and upon such terms as it may prescribe, at any time before the parties announce themselves ready for trial, and not thereafter; but no amendment shall prevent a suit from being tried at the same term it may be made, unless the court be satisfied that such amendment operate as a surprise to the opposite party.

Sec. 35. Be it further enacted. That no paper shall be considered as filed in the proceedings of

any cause, unless the clerk shall have endorsed thereon the day on which it was filed, and sign his name thereto.

Sec. 36. Be it further enacted, That in all suits where there are two or more plaintiffs or defendants, and one or more of them die, if the cause of action survive to the surviving plaintiff or plaintiffs, and against the surviving defendant or defendants, the suit shall not abate by reason of such death, but upon suggestion of such death being entered upon the record, at the instance of either party, his agent or attorney, the suit shall proceed in the name of the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants, as the case may be.

Sec. 37. Be it further enacted, That in all suits where either party shall die between verdict and judgment, the judgment shall be entered as if both parties were living.

Sec. 38. Be it further enacted, That in all suits where the plaintiff may die before verdict, if the cause of action survive, the suit shall not abate therefor, but it shall be lawful for the legal representative of such plaintiff, his agent or attorney, to appear, and upon suggestion of such death being upon record, such representative may be made party to such suit, and the same shall proceed in his name; but if no such suggestion be made, as aforesaid, at the first term of the court after such death, it shall be the duty of the clerk, upon the petition of the defendant, his agent or attorney, to issue a scire facias, which shall be served upon the legal representative of such deceased plaintiff, requiring him to appear and prosecute said suit, and after the service of said scire facias [facias?] if he fail so to do, during the first four days after the meeting of the court to which such scire facias is returnable, the defendant may, on motion, have such suit discontinued; and in cases where executors or administrators shall be plaintiffs in any suit, and shall die or cease to be such executor or administrator before verdict, the suit shall not abate therefor, but the suit may be continued in like

manner by the person succeeding him in the administration of the same estate, or the suit may, in like manner, be discontinued.

Sec. 39. Be it further enacted, That in all suits where the defendant may die before verdict, if the action survive, the suit shall not abate therefor, but upon a suggestion of such death being entered upon the record, in open court, or upon a petition of the plaintiff, representing that fact, being filed in the clerk's office, it shall be the duty of the clerk to issue a scire facias to the legal representatives of such defendant, and upon the return thereof executed, such representative shall be made a party to such suit, and the same shall proceed against him; and in case where an executor or administrator shall be defendant, and shall die, or cease to be such executor or administrator, before verdict, the suit shall not abate therefor, but the suit may be continued in like manner, against the person succeeding him, in the administration of the same.

Sec. 40. Be it further enacted That no suit instituted by a feme sole, shall abate by her marriage, but upon a suggestion of such marriage being entered on the record, the husband may make himself a party to such suit, and prosecute the same as if he and his wife had been originally plaintiffs in such suit.

Sec. 41. Be it further enacted, That no suit instituted against a feme sole, shall abate by her marriage, but upon a suggestion of such marriage being entered on the record, in open court, or upon a petition representing that fact being filed in the clerk's office, it shall be the duty of the clerk to issue a scire facias to the husband of such defendant, and upon the return thereof executed, the husband shall be made a party to such suit, and it shall proceed as [if] such husband and wife had originally been defendants in such suit: Provided, that nothing herein contained shall be so construed as to make the husband liable for any debts contracted by said feme sole before marriage.

Sec. 42. Be it further enacted, That when a suit has been instituted in the name of one person,

for the use of another, and the person in whose name the suit has been instituted, shall die before verdict, it shall not be necessary to revive such suit in the name of the representative of such person, but such suit may be prosecuted in the same manner as though such death had not happened; but such death shall be suggested on the record, and the person for whose use such suit was instituted, shall be responsible for all costs, in the same manner as the person whose name is used would have been; and execution for such costs, may be issued against him, as in ordinary cases.

Sec. 43. In all cases where minors may be defendants to a suit, and it shall be shown to the court, that such minors have no guardians, within the State, it shall be the duty of the court to appoint a guardian to such minors, for the purpose of defending such suit.

Sec. 44. Suits for title, or for the possession of lands, or for any right attached to or growing out of the same, or for any injury or damage done thereto, may [be] instituted by executors, administrators, or guardians, in like manner as they could have been, by their testator, or intestate, and judgment in such cases shall be as conclusive as if rendered in favor of their testator, or intestate: Provided, however, that such judgment may be set aside by any person interested, for fraud or collusion on the part of such executor or administrator.

Sec. 45. When there are several defendants in a suit, and some of them are served with process, in due time, and others not so served, the plaintiff may either discontinue, as to those not so served, and proceed against those that are; or he may continue the suit until the next term of the court, and take new process against those not served; and no defendant against whom any suit may be discontinued, according to the provision of this section, shall be thereby exonerated from any liability, under which he was, but may at any time be proceeded against, as if no such suit had been brought, and no such discontinuance entered as to such defendant: Provided, that this section shall not be so

construed as to allow a plaintiff to discontinue, as to the principal, and take judgment against the endorser, or surety, [who is] jointly sued.

Sec. 46. The principal and the endorser, or surety upon any instrument in writing, may be joined in the same suit, but no judgment in any such suit, shall be rendered against the endorser or surety, unless judgment is at the same time rendered against the principal, except where the plaintiff discontinues, as to the principal, because he resides beyond the limits of the State, or because he is insolvent, in which cases he may discontinue and take judgment.

Sec. 47. Where there are several defendants in a suit, and some of them appear and answer, and others make default, an interlocutory judgment by default, may be entered against those who do not answer, and the cause may proceed against the others; but only one final judgment shall be given in the suit.

Sec. 48. Whenever several suits may be pending in the same court, by the same plaintiff, against the same defendant, for causes of action, which may be joined, or where several suits are pending in the same court, for the same plaintiff, against several defendants, which may be joined, the court in which the same are pending, may in its discretion, order such suits to be consolidated.

Sec. 49. When any plaintiff shall bring, in the same court, several suits, against the same defendant or defendants, for causes of action, which may be joined, he shall recover the cost of one action only, and the costs of the other actions shall be adjudged against him, unless sufficient reason appear to the court, for instituting several actions.

Sec. 50. By an exception of non tenure, of part of any lands or tenements, for which any suit or action may be instituted, the suit shall not be abated, but for the quantity of which non tenure shall be alleged.

Sec. 51. In controversies respecting lands, or hereditaments, possession of part shall not be construed as possession of the whole.

Sec. 52. In any suit founded on any instrument

or note in writing, under the seal of the party charged therewith, the defendant may, by special plea, impeach or enquire into the consideration thereof, in the same manner as if such writing had not been sealed, but no pleas impeaching the consideration of any instrument or note in writing, under seal, shall be admitted, unless supported by the affidavit of the defendant, or some person for him, stating that the facts set forth in said plea, are true, as far as stated of his own knowledge, and that he believes them to be true, as far as stated, from the information of others.

Sec. 53. There shall be a motion docket to be kept by the clerk, in which he shall enter all motions filed in the court; the number of the suit in which they are made; if it relates to a suit pending, the names of the parties, and their attorneys, with a brief statement of the nature of the motion.

Sec. 54. All motions relating to a suit pending, which do not go to the merits of the case, may be disposed of at any time before the trial of the cause, but no motion in the nature of a general demurrer, or which relates to the merits of the case, shall be decided before the cause is called in regular order for trial.

Sec. 55. All motions, not relating to a suit pending, shall be taken up and disposed of in the order as other suits are required to be.

Sec. 56. In all appeals from a justice's court to the district court, all of the original papers, together with the appeal bond, and a certified copy of the record of the proceedings, before such justice, shall be filed with the clerk of the district court, on or before the first day of the term to which such appeal is taken; all such appeals shall be tried de novo, but neither party shall introduce any claim that was not before the justice, on the trial below; and upon the call of the docket by the judge on the second day after the meeting of the court, if no appearance is entered on the docket for the defendant in the original suit, a judgment by default shall be entered against him, and if no appearance has been entered on the docket for the defendant, before the expiration of the third day after the meet-

ing of the court, the plaintiff may, on or after the fourth day, have such judgment made final; and if the demand is certain, and proven by any instrument of writing, the judge or clerk shall issue [assess?] the damage to the plaintiff; if otherwise, then the damage shall be assessed by a jury in all such appeals; where an appearance [is] entered on the docket, for the defendant, before the expiration of the third day, they [it?] shall be taken up and disposed of in regular order.

Sec. 57. In the trial of appeals from justice's courts, when either party shall make oath, that he has no other evidence to prove any fact material to the prosecution or defence of his suit, except his own oath, he shall be sworn and examined touching such facts, and the opposite party, in such cases, shall have the privilege of being sworn as to the same facts.

Sec. 58. In appeals from justices' courts taken by the party against whom the judgment below was rendered, when the judgment of the district court shall be against him for the same or a greater amount than the judgment of the court below, the district court shall add ten per cent. damage on the amount of the judgment below, and costs in both courts, but if the judgment of the district court shall be against him for a less amount than the judgment below, then the appellant shall recover his costs only in the court below, and shall pay the costs of the district court; when the appeal is taken by the party in whose favor the judgment below is rendered, and the judgment of the district court is for a greater amount than the judgment below, he shall recover his cost in both courts, but if the judgment of the district court be in his favor, for the same or less amount than the judgment below, he shall recover costs only below, and shall pay the costs of the district court.

Sec. 59. In appeals from justices' courts taken by either party to the suit, when the judgment of the district court is for the same or greater amount against the appellant than the judgment of the court below, it shall be rendered jointly and severally against all the obligors in the appeal bond.

Sec. 60. In all appeals from probate courts to the district court, a complete transcript of the record and of all the proceedings had in the cause below, certified under the hand and seal of the clerk of the probate court, shall be filed with the clerk of the district court, on or before the first day of the term to which such appeal is taken; and all such appeals shall be tried de novo upon the application of either party to such appeals; it shall be the duty of the clerk of the district court to issue a subpoena duces tecum, for the clerk of the probate court to bring into the district court, on the trial of such appeal, all original papers in his office which may be needed on such trial. All judgments upon appeals from probate courts, shall be certified to the probate court to be carried into effect.

EVIDENCE.

Sec. 61. In all suits, civil or criminal, the clerk shall, at the request of either party, their agent or attorney, issue subpoena for witnesses, directed to the sheriff or other officer of the county where such witnesses reside, which subpoenas shall state the names of the parties to the suit, the time and place when and where such witnesses are required to appear, and the parties at whose instance such witnesses are summoned.

Sec. 62. Every witness summoned in any suit, shall attend the court from day to day, and from term to term, until discharged by the court, or party summoning him; and if any witness, after being duly summoned, shall fail to attend, he may be fined by the court in any sum not exceeding one hundred dollars, and an attachment may issue against the body of such witness, to compel his attendance: Provided, however, that no such fine shall be imposed, nor shall such attachment issue in a civil suit, until it shall be shown to the court by affidavit of the party, his agent or attorney, that reasonable compensation and mileage has been tendered or paid to such witness.

Sec. 63. Witnesses shall be allowed a compensation of one dollar for each any every day they may

be in attendance on the court, and six cents for every mile they may have to travel, in going to and returning therefrom, which shall be paid on the certificate of the clerk, by the party summoning them, which certificate shall be given on the affidavit of the witness, before the clerk, and such compensation and mileage of witnesses, shall be taxed in the bill of cost, against the party cast.

Sec. 64. Any witness refusing to give evidence, may be committed to the county jail, there to remain without bail, until he shall consent to give evidence.

Sec. 65. All negroes and indians, and all persons of mixed blood, descended from negro ancestry, to the third generation inclusive, though one ancestor of each generation may have been a white person, shall be incapable of being a witness in any case whatever, except for or against each other.

Sec. 66. Witnesses shall be privileged from arrest, except in cases of treason, or felony and misdemeanor, during their attendance at court, and in going to and returning therefrom, allowing one day for each twenty-five miles from their place of abode.

Sec. 67. Depositions of witnesses in civil suits, residing in the State, may be taken in the following cases: first, where the witness is about to leave the State, or the county where the suit is to be tried; second, where a witness by reason of age, sickness or official [duty?] shall be unable to attend the court; third, where the witness resides without the county in which the suit is pending; fourth, where the witness is a female; and such deposition shall be taken in the following manner, viz: the party wishing to take such depositions, shall file interrogatories in the court where the suit is pending, and shall cause the opposite party, his agent [or attorney?] to be served with a copy thereof, and also with a notice, that he will apply to the clerk of such court for a commission to take the answers of the witness to said interrogatories; such notice shall state where the witness resides, and the suit in which the deposition is to be used; on or after the fifth day after the service of such notice and copy of inter-

rogatories, it shall be the duty of the clerk, upon application of the parties filing such interrogatories, his agent or attorney, to issue a commission, directed to any chief justice, notary public, or clerk of the district court, residing in the county where it is stated in the notice such witness resides, requiring him to cause such witness to appear before him, and to take his answers under oath, to such interrogatories, a certified copy of which shall be annexed to said commission; such commission shall be signed by the clerk issuing the same, and sealed with the seal of the court.

Sec. 68. Upon the receipt of such commission, by any chief justice, notary public or clerk of the district court of the county to which it is directed, unless the witness shall voluntarily appear, it shall be his duty to issue a subpoena directed to the sheriff or other officer of the county, requiring him to summon the witness to appear and answer interrogatories, at a time and place to be named in such subpoena; and if such witness, after being duly summoned, shall fail to appear, or having appeared, shall refuse to answer the interrogatories, the said chief justice, notary public, or clerk, shall have power to issue an attachment against such witness, and to fine and imprison him in like manner as by this act the district court is empowered to do in like cases.

Sec. 69. Upon the appearance of the witness voluntarily, or in obedience to a subpoena, it shall be the duty of the said chief justice, notary public or clerk of the district court, to take the answers of the witness to such interrogatories, which shall be reduced to writing, and shall be signed and sworn to by the witness; the officer taking such answers, shall certify under his hand and seal, that they were signed and sworn to by the witness, before him, and shall seal them up in an envelope, with the interrogatories and the commission, with his name across the seal, and endorsed on the envelope, the names of the parties to the suit, and the names of the witnesses, and shall direct the package to the clerk of the court from which the commission issued.

Sec. 70. Such depositions may be returned to the court, either by mail or by private hand; if sent by mail, the postmaster mailing the same, shall endorse thereon, that he received them from the hands of the officer before whom they were taken, and the clerk taking them from the post office, shall endorse on them that he received them from the post-office, and sign his name thereto; if sent by private hand, the person delivering them into court, shall make affidavit before the clerk, that he received them from the hands of the officer before whom they were taken, that they have not been out of his possession since, and have undergone no alteration.

Sec. 71. When a witness in any civil suit resides beyond the limits of the State, either party may take his deposition by filing interrogatories in the court where the suit is pending, and serving a notice, with a copy of such interrogatories, upon the opposite party, his agent or attorney, in the same manner as required for the depositions of witnesses residing in the State, and on or after the fifth day of the service of such notice, and a copy of interrogatories, it shall be the duty of the clerk with whom such interrogatories are filed, upon the application of the party filing them, his agent or attorney, to issue a commission directed to any judge of any court of record within the State or county, where it is stated in the notice, that such witness resides, requiring such judge to cause the witness to come before him, and to take his answers to said interrogatories, a certified copy of which shall be annexed to such commission; the commission shall be signed by the clerk issuing it, and sealed with the seal of the court; the judge to whom any such commission is directed, upon the appearance of the witness before him, shall take his answers to the interrogatories, which shall be reduced to writing, and shall be signed and sworn to by the witness when the judge taking them, shall certify under his hand and the seal of his court, that the answers were signed and sworn to by the witness, before him, and seal them up in an envelope, with the interrogatories, and the com-

mission, with his name across the seal, endorse and direct the envelope, in like manner as is required for depositions taken within the State; and all depositions so taken, may be returned into court, in like manner as depositions taken within the State.

Sec. 72. In any suit where one party may file interrogatories for the purpose of taking the depositions of a witness, the opposite party may file cross interrogatories, at any time before the commission issues, and a certified copy of such interrogatories shall be attached to the commission by the clerk issuing the same, and all such cross interrogatories shall be answered, signed, sworn and certified to in like manner and form as the answers to the interrogatories, and shall be sealed up and returned with them.

Sec. 73. If any deposition shall contain any testimony not pertinent to the interrogatories and cross interrogatories propounded, such testimony shall be deemed surplusage, and shall be stricken out by the court.

Sec. 74. Depositions taken and returned in the manner provided by this act, may be read as evidence upon the trial of any suit in which they are taken, subject to all legal exceptions, which might be made to the interrogatories and answers of the witness, were [the witness?] personally present before the court giving evidence: Provided, however, that no deposition of a witness, except when the witness is a female, shall be permitted to be read in evidence, unless the party offering the same, shall first make oath that such witness is without the limits of the county where the suit is pending, or that such witness is dead, or that by reason of age, sickness, or of official duty, such witness is unable to attend the court.

Sec. 75. When any person may anticipate the institution of a suit, in which he may be interested, and may desire to perpetuate the testimony of a witness, to be used in such suit, he may file his petition in the court of the county where such suit could be instituted, representing such facts, and the names of the persons known to be inte-

rested adversely to the petition, which petition shall be served in the same manner as other petitions, and [are] required to be served, after which, deposition may be taken and returned by any of the parties to such petition, in like manner as provided for in this act; when suits have been instituted and all such depositions, when so taken and returned, shall be subject to like exceptions as all depositions, and shall be entered on records of the court, and may be used in any suit or suits which may be hereafter instituted, any of the between any of the parties to the petition, or those claiming under them, in like manner as if such depositions had been taken after the institution of such suit or suits. * [Vide Sec. 75, at the foot of this page, for the probable meaning of the Section.]

Sec. 76. Both parties shall be considered as having a joint interest to [in?] all depositions, when cross interrogatories have been filed and answered, and either party shall have the right to use such depositions on the trial.

Sec. 77. Depositions, after being returned to court, may be opened by the clerk at the request of either party or his counsel, and the clerk shall endorse on such depositions, upon what day and at whose request they were opened, signing his name thereto, and they shall remain on file for the inspection of either party.

Sec. 78. No objections to the form of depositions, or to the manner of taking them, in any suit,

[*Sec. 75. When any person may anticipate the institution of a suit in which he may be interested, and may desire to perpetuate the testimony of a witness to be used in such suit, he may file his petition in the court of the county where such suit could be instituted, representing such facts and the names of the persons known to be interested adversely to the petition, which petition shall be served in the same manner as other petitions are required to be served; after which, depositions may be taken and returned by any of the parties to such petition, in like manner as provided for in this act. When suits have been instituted, all such depositions, so taken and returned, shall be subject to like exceptions as all other depositions, and shall be entered on the records of the court, and may be used in any suit or suits which may be thereafter instituted by or between any of the parties to the petition or those claiming under them, in like manner as if such depositions had been taken after the institution of such suit or suits.]

shall be heard, unless they are in writing, and notice thereof is given to the opposite counsel, before the trial of the suit commences: Provided, said depositions shall have been filed in the court at least one entire day before the day on which the trial commences.

Sec. 79. In all civil suits where it shall be shown to the court, by affidavit filed therein, that either party is beyond the jurisdiction of the court, or that he cannot be found, or has deceased since the commencement of the suit, and that such death has been suggested at a prior term of the court, so that the notice and copy of interrogatories cannot be served upon him, for the purpose of taking depositions, and such party has no attorney of record upon whom they can be served, or if he be deceased, and if the persons entitled to claim by or through such deceased defendant, have not made themselves parties to the suit, and are unknown, the party wishing to take depositions may file his interrogatories in the court where said suit is pending, and the clerk of such court shall thereupon cause a notice to be published in some newspaper for thirty days, stating the number of the suit, the name of the original parties, in what court the suit is pending, the name and residence of the witness to whom interrogatories are propounded, and that a commission will issue on or after the thirtieth day after such publication to take the deposition of such witness; at the expiration of which time, such clerk shall, on the application of the party filing such interrogatories, his agent or attorney, issue a commission, as in other cases; and depositions taken under such notice, shall have the same force and effect as those taken after personal service of the notice and interrogatories upon a party or his attorney.

Sec. 80. Be it further enacted, That either party to a civil suit, may propound written interrogatories to the other: Provided, the party propounding them shall make oath, before the clerk of the court where suit is pending, or before any of the officers before whom the answers to such interrogatories may be sworn to, that the answers to

such interrogatories are material to support his demand, or to aid him in his defence, and that he knows of no other person by whom he can prove the same facts, which may be annexed to or included in the petition or answers; and when not so annexed or included, a copy of such interrogatories shall be served upon the party whose answers are sought, his agent or attorney, at least five days before the commencement of the trial of the suit, in which they are propounded: And provided further, that no defendant shall be permitted to propound interrogatories to the plaintiff, unless they are annexed to or included in his answer, until such defendant has first filed his answer.

Sec. 81. Be it further enacted, That the party interrogated shall answer an oath, and categorically, each of the questions put to him, unless he cannot do so without criminating himself, and if he refuse or neglect to do so, the facts concerning which he shall have so refused or neglected to answer, shall be taken for confessed.

Sec. 82. Be it further enacted, That in answering a question, the party shall simply confess or deny the fact, but the party may state such other facts tending to his defence, as are closely connected with the fact on which he has been interrogated, and his declaration in such case shall have as much effect as his answer to the question itself, and if such answers contain other testimony than that permitted by this section, the court, upon exception being made thereto in writing, shall cause so much of said answer as contains such other testimony to be stricken out.

Sec. 83. Be it further enacted, That the party interrogated may except in writing to any of the questions as not pertinent, and the court shall decide summarily, whether he ought to answer or not; if ordered to answer, he shall do so, otherwise the facts unanswered shall be deemed confessed.

Sec. 84. Be it further enacted, That the answers to such interrogatories shall be in writing, sworn to and signed by the party answering, and if answered within the county where the suit is

pending, may be sworn to before any officer authorized by law to administer oaths, who shall make a certificate thereof; if answered in any other county within the State, they shall be sworn to before some notary public, chief justice or clerk of the district court, who shall make a certificate thereof, and affix his seal of office; if answered out of the State, they shall be sworn to before some judge of a court of record, and have the certificate of such judge, authenticated with the seal of the court.

Sec. 85. Be it further enacted, That the answer of the party interrogated, subject to the exceptions herein provided for, shall be taken entire, and shall be evidence, but they shall not exclude adverse testimony, and may be destroyed by written proof, or by the oath of two witnesses, or of one single witness corroborated by strong circumstantial evidence.

Sec. 86. Be it further enacted, That when any petition answer, or other pleading, shall be founded, in whole or in part, on any instrument or note in writing, charged to have been executed by the other party or by his authority, and not alledged therein to be lost or destroyed, such instrument or note in writing shall be received as evidence, without the necessity of proving its execution, unless the party by whom or by whose authority such instrument or note in writing is charged to have been executed, shall file his affidavit in writing, denying the execution thereof; and the like rule shall prevail in all suits against endorsers and securities upon any note or instrument in writing; when any such instrument or note in writing is charged to have been executed by any testator or intestate, it shall be received in evidence in like manner, unless some suspicion is cast upon it by the affidavit of the executor or administrator of such testator or intestate.

Sec. 87. Be it further enacted, That if suit be brought on any instrument or note in writing, filed in any suit brought thereupon in any other court of this State, a certified copy of such instrument or note in writing, under the hand and seal of the clerk of the court in which the original may be

filed, shall be admitted in like manner as such original might be, but if the defendant shall plead, and file an affidavit under oath, that such original instrument or note in writing has not been executed by him, or by his authority, the clerk of the court having the custody of such original shall, on being summoned as a witness, attend with the same on trial of the issue.

Sec. 88. Be it further enacted, That in suits brought by partners, it shall not be necessary to prove the partnership, unless the defendant shall in his answer deny that the plaintiffs are partners, or carry on business as described in the petition, which denial shall not be admitted or received unless verified by the affidavit of the party making it.

Sec. 89. Be it further enacted, That copies of the records of all public officers and courts of this State, certified to under the hand and seal (if there be one) of the lawful possessor of such records, shall be admitted as evidence, in all cases where the records themselves would be admissible; translated copies of all records in the land office, certified to under the hand of the translator, and the commissioner of the general land office, attested with the seal of said office, shall be prima facie evidence in all cases where the original records would be evidence.

Sec. 90. Be it further enacted, That every instrument of writing which is permitted or required by law to be recorded in the office of the clerk of the county court, and which has been or may be so recorded, after being proven or acknowledged in the manner provided for by the laws in force at the time of its registration, shall be admitted as evidence without the necessity of proving its execution: Provided, that the party who wishes to give it in evidence shall file the same among the papers of the suit in which he proposes to use it, at last three days before the commencement of the trial of such suit, and give notice of such filing to the opposite party, or his attorney of record; and unless such opposite party, or some other person for him, shall, within one day after such notice, file an affidavit stating that he believes such instrument of writing

to be forged. And whenever any party to a suit shall file among the papers of the suit, an affidavit stating that any instrument of writing recorded as aforesaid has been lost, or that he cannot procure the original, a certified copy of the record of any such instrument shall be admitted in like manner as the original could be.

Sec. 91. Be it further enacted, That copies of all conveyances and other instruments of writing, between private individuals, which were filed in the office of any alcalde or judge, in Texas, previous to the first Monday in February, 1837, shall be admitted as evidence in like manner as the originals might be, and shall have the same force and effect as such originals: Provided, such copies shall be certified to under the hand and seal of the officer with whom such conveyance and instrument of writing are now deposited.

Sec. 92. Be it further enacted, That the printed statute books of this State shall be evidence of the private act therein contained, and the printed statute books of the several States and Territories of the United States, purporting to have been printed under the authority of such States and Territories, and a certified copy, under seal of the secretary of this State, of any act or resolution contained in the printed statute books of any State or Territory of the United States, purporting to be printed under the authority of such State or Territory, and copies of private bills, certified to by the secretary of State, and attested by his seal of office, which is deposited in the office of the secretary of this State, shall be evidence in like manner.

PRACTICE.

Sec. 93. Be it further enacted, That all suits in which answers are filed in due time, shall be tried or disposed of in the order in which they stand on the docket, or were filed, unless otherwise ordered by the court, with the consent of the parties or their attorneys.

Sec. 94. Be it further enacted, That suits shall not be continued until after answer filed, unless by

operation of law, or consent of parties, or on the following terms: first, on the first application, the party, his agent or attorney shall make affidavit that he cannot go safely to trial for the want of testimony material to his cause, and that he has used due diligence to procure the same; second, on the second application, no suit shall be continued, except it be for want of material testimony, which testimony, the party applying, his agent or attorney shall set forth to the court the diligence he has used to procure the same, the cause of failure, if known, that the same testimony cannot be procured from any other source; and if it be on account of the absence of a witness, he shall also state the name and residence of such witness, and that application is not made for delay, but that justice may be done, and the statement shall be verified by affidavit.

Sec. 95. Be it further enacted, That if from any cause a district court shall not be held at the time prescribed by law, or if from any cause the business before the court be not determined before the adjournment thereof, such business, of whatsoever nature, so undetermined, shall stand continued until the next succeeding term.

Sec. 96. Be it further enacted, That whenever in the commencement or progress of any suit, it shall be necessary to serve any notice on any party to such suit, such notice may be served either by an officer authorized by law to serve original process of the court in which suit is brought or may be pending, or by any person who would be a competent witness upon the trial of such suit; every such notice may be served in like manner as an original writ, either on the party or his attorney of record, and the return of such notice, when made by an officer, or when made by any other person and verified by the affidavit of such person, shall be received as evidence of the facts therein contained, subject however to be repelled by contrary proof.

Sec. 97. Be it further enacted, That whenever, in any suit, it shall appear to the court that an investigation of accounts, or examination of vouch-

ers is necessary, for the purposes of justice between the parties, the court shall appoint an auditor or auditors to state the accounts between the parties, and to make report thereof to the court, as soon as may be, and the report so made shall, under the direction of the court, be given in evidence to the jury, subject, however, to be impeached by evidence from either party, and the court shall award reasonable compensation to such auditors, which shall be allowed and taxed in the bill of costs, to be recovered by the successful party, as in other cases.

Sec. 98. Be it further enacted, That the court shall appoint interpreters, when necessary, who shall be sworn truly to interpret, and shall be entitled to the same pay therefor as by law is allowed to witnesses; papers read in evidence, although not under seal, may be carried from the bar by the jury in their retirement.

Sec. 99. Be it further enacted, That no plaintiff shall be permitted to suffer a non-suit, on trial, after the jury have retired from the bar. After the argument of a cause, and before the jury retires from the bar, the judge may deliver a charge to the jury, but under the following restrictions and regulations: the judge shall not, in any case, civil or criminal, charge or [comment] on the weight of the evidence or testimony, and he shall so frame his charge as to submit questions of fact solely to the decision of the jury, and he shall decide on and instruct them as to the law arising on the facts, distinctly separating all questions of law from questions of fact; and no judge shall, in any case, make any further charge, unless on the application of the jury or a party.

Sec. 100. After the charge of the judge, either party, or his attorney, may present in writing, but without argument, such charges or instructions as he desires to be given to the jury, which the judge shall deliver to the jury in whole or in part, or refuse to deliver the same, as he may think proper; but where the charge asked, or any part thereof, is refused to be given, the judge shall write down distinctly what portions of the same he refuses, and what portion he gives, and also subscribe his name

thereto, all of which shall be filed by the clerk, and constitute a part of the records of the case, subject to revision for error by the supreme court, in the same manner as if a regular bill of exceptions had been signed.

Sec. 101. Whenever, in the progress of a cause, or of the trial thereof, either party is dissatisfied with a decision or opinion of the court, he may except thereto, and on reducing his exceptions to writing and presenting them to the judge for allowance, the judge shall allow and sign his name to the same if they be true, and if he refuses to do so, he shall certify in writing therein, the cause of such refusal. If any judge shall refuse to sign a bill of exceptions, such bill may be signed by three by-standers who are reputable inhabitants of the State, and the court shall permit such bill to be filed; and every bill of exceptions signed by the judge or by-standers, and filed in the court, shall form a part of the record in the cause in which the same may be filed.

Sec. 102. When any judge shall refuse to permit a bill of exceptions, signed by by-standers, to be filed, and shall have certified such bill to be untrue, either party in the suit may take affidavits, giving the adverse party notice of the time and place of taking such affidavits, not exceeding five in number, in relation to its truth; and such affidavits, when taken, shall be filed in the clerk's office within five days after the trial of the suit, and on appeal or writ of error, copies of such affidavits shall be annexed to and form a part of the record in the cause.

Sec. 103. The supreme court shall admit, as a part of the record of the cause, every bill of exceptions taken therein, upon its appearing to the satisfaction of the court that the truth of the case is fairly stated in such bills, that the same was taken according to law, and that the court refused to permit such bill to be filed; and the truth of every such bill of exceptions shall be tried by the affidavits required by this act to be taken, and filed in the clerk's office.

Sec. 104. After verdict of twelve men, judgment shall not be stayed or reversed for want of form.

Sec. 105. When there are several counts in a petition and entire damages are given, the verdict shall be good, notwithstanding one or more of such counts may be defective.

Sec. 106. In all civil actions of assault and battery, or slander, in the district court, if the jury find under the sum of twenty dollars, the plaintiff shall not recover costs, but each party shall be taxed with the costs incurred by him.

Sec. 107. All vouchers, views, essoigns, and also trials by wager of battle, and wager of law, shall stand repealed.

Sec. 108. In civil suits the jury may find and return a special verdict in writing, in issues made up under the direction of the court, declaring the facts proved to them; any verdict so found shall be conclusive between the parties as to the facts found.

Sec. 109. New trials may be granted in all civil cases, on such terms and conditions as the court may direct, but not more than two new trials shall be granted to either party in the same cause except the jury have been guilty of some misconduct or erred in matter of law.

Sec. 110. No motion for a new trial shall be allowed after a motion in arrest of judgment.

Sec. 111. New trials may be granted, as well when the damages are manifestly too small as when they are excessive.

Sec. 112. All motions for new trials, in arrest of judgment, or to set aside a judgment, shall be made within two days after the rendition of verdict, if the term of the court shall continue so long; if not, then before the end of the term, and every such motion shall be accompanied by a written specification of the grounds on which it is founded; and none other than those specified shall be heard. All motions for new trials, in arrest of judgment, or to set aside a judgment shall be determined at the term of the court at which such motion shall be made.

Sec. 113. The costs of all new trials may either abide the event of the suit, or shall be paid by the

party to whom such new trial may be granted, according to the order of the court, to be made at the time of granting such new trial.

Sec. 114. When any judgment shall be arrested, or set aside, the court shall allow the proceedings in which the error was to be amended in all cases where the same amendment might have been made before trial, and the cause shall again proceed according to the practice of the court, but the party in whose proceedings the first error was committed shall pay the costs incurred thereby.

Sec. 115. Judgments in the district court shall, in all civil cases, be rendered so as to conform to the pleadings, the nature of the case as proved, and the verdict thereon.

Sec. 116. Any person, for a bona fide debt, may, without process, appear in person, or by attorney, and confess judgment for such debt; but in such cases, a petition shall always be filed, and the justness of the debt sworn to by the person in whose favor the judgment is confessed; and when confessed by attorney, the warrant of attorney shall be filed.

Sec. 117. Every judgment by confession, duly made, shall operate as a release of all errors in the record thereof, but may at any time be impeached for fraud or other equitable causes, by third parties.

Sec. 118. In suits against executors, administrators, or guardians, for the recovery of money due from, or damages incurred by their testator, or intestate, or ancestor, when a verdict shall be given against them, or judgment final, by default, shall be taken against them, the judgment shall be that the plaintiff recover his debt or damages, as the case may be, and costs, to be paid in due course of administration; and no execution shall issue on such judgment. When the suit is instituted for the enforcement of a specific lien on personal property, the judgment shall be, that the plaintiff recovers his debt and damages and costs, and that the property subject to such lien shall be seized and sold by the sheriff, if it can be found; and if the proceeds of such sale shall be applied to the judgment and costs, and if there be any excess, after such payment, the

same shall be paid to the defendant; and if the proceeds of such sale shall be insufficient to pay such judgment and costs, the balance shall be paid in due course of administration; but no execution shall issue thereon. Where the suit is for the foreclosure of a mortgage on real estate or negroes, the heirs interested in the mortgaged property shall be made parties to the suit by due notice served, and the subsequent proceedings shall conform to the rules prescribed as above, in cases of specific liens on personal property.

Sec. 119. All judgments or decrees for the enforcement of specific liens on the foreclosure of mortgages, against persons other than executors or administrators, shall be that the plaintiff recover his debt, damages and costs, and that an order of sale shall issue to the sheriff of the county where the property subject to such lien or mortgage can be found, directing him to sell the same, if found, as under execution; and if the proceeds of such sale be insufficient to pay the judgment and costs, or if the property cannot be found, further execution may be issued for such balance, or for the debt, against such defendant, as the case may be.

Sec. 120. In all cases where the district or supreme courts shall decree a conveyance of real estate, or the delivery of movable property or effects, they may, by decree, pass the title of such property without any act to be done on the part of the defendant, when it shall be proper.

Sec. 121. On all motions the court may give or refuse cost, at their discretion, unless where it is otherwise provided by law.

Sec. 122. In all cases of law, (except motions) where judgment shall be given for defendant, or appellee, he shall recover his costs against the plaintiff or appellant, and have execution for the same; and in all such cases, where judgment shall be given for the plaintiff or appellant, if not otherwise provided by law, he shall recover his costs against the defendant or appellee, and have execution for the same.

Sec. 123. When any plea in abatement shall, upon argument in any court of law, be adjudged

insufficient, and when by any interlocutory judgment, any other part of the pleadings shall be judged insufficient, all costs occasioned by such insufficient pleading shall be adjudged against him who committed the fault.

Sec. 124. All taxes imposed on law pleadings shall be included in the bill of costs.

Sec. 125. The law of costs shall not be interpreted as penal laws.

Sec. 126. Each party shall be responsible to the officers of court for the costs incurred in any suit by himself.

Sec. 127. There shall not be allowed in any cause or bill of costs the fees of more than two witnesses to any one fact.

Sec. 128. On the rendition of any judgment, in a suit where notice or service of process has been given or made by publication only, and heard *exparte*, the court shall make out and incorporate with the records of the case, a statement of the facts proven therein on which the judgment was founded.

Sec. 129. When judgment has been rendered in any suit, on notice, or service by publication only, and on *exparte* hearing, the party defendant may, at any time within two years after the rendition of such judgment, file his petition of review for the reversal thereof, in the court rendering the judgment; but process on such judgment shall not be suspended unless the petitioner give bond with two or more sureties, to be approved by the clerk, in double the amount of the judgment or value of the property adjudged, payable to the party in whose favor such judgment was rendered, conditioned that he will prosecute his petition for review to effect, and perform such judgment as may be rendered thereon by the court, in case the decision be against him; and in case property has been sold under judgment, before process thereon was superceded by petition and bond, as aforesaid, the same shall not be restored on the reversal of the judgment, but the petitioner shall have judgment for the amount paid or collected thereon, or for damages by him sustained in consequence thereof; minors, married

women, and persons non compos mentis shall have two years to file such bill of review after their respective disabilities are removed, under the restrictions above stated in this section.

Sec. 130. In all suits where the plaintiff shall die after judgment, upon a suggestion of such death being entered on the record in open court, or upon a petition representing that fact being filed with the clerk by the legal representative of such plaintiff, it shall be the duty of the clerk to issue a scire facias to the defendant in such suit, and upon the return thereof executed, the court shall enter a decree reviving such judgment in the name of the legal representative of such plaintiff, unless the defendant shall appear and show cause why the same should not be done, within the first four days after the meeting of the court to which such scire facias is returnable; and in cases where an executor, administrator, or guardian, is plaintiff in any suit, and shall die or cease to be such executor, administrator or guardian, after judgment, such judgment may in like manner be revived in the name of the person succeeding him in the guardianship or administration of the same estate.

Sec. 131. In all suits where the defendant shall die, after judgment, upon a suggestion of such death being entered on the record in open court, or upon a petition being filed in the clerk's office by the plaintiff, representing that fact, it shall be the duty of the clerk to issue a scire facias to the legal representative of such defendant, and upon the return thereof executed, the court shall enter a decree reviving such judgment against the legal representative of such defendant, unless such legal representative shall appear and show cause why the same should not be done within the first four days after the meeting of the court to which such scire facias is returnable.

Sec. 132. When in the record of any judgment or decree of any district court, there shall be any mistake, miscalculation, or misrecital of any sum

or sums of money, or of any name or names, and there shall be among the records of the proceedings in the suit in which such judgment or decree shall be rendered, any verdict or instrument of writing, whereby such judgment or decree may be safely amended, it shall be the duty of the court in which such judgment or decree shall be rendered, and the judge thereof in vacation to amend such judgment or decree thereby, according to the truth and justice of the case; Provided, that the opposite party, his agent or attorney of record, shall have had reasonable notice of the application for such amendment; and if the transcript of such judgment or decree, at the time of such amendment, or at any time thereafter, shall be removed to the supreme court, it shall be the duty of that court, upon inspection of such amended record, [to cause the original record?] to be brought before it by certiorari, if need be, to affirm such judgment, if there be no other error apparent in such record.

Sec. 133. Where any bond, taken by virtue of any distress for rent, or execution, by miscalculation or mistake, shall be conditioned for a larger sum of money than by law ought to have been required thereby, or where a verdict shall be rendered for more damages than the plaintiff shall have demanded by his suit, and judgment shall be rendered accordingly, and the court in which such judgment shall be rendered, shall have adjourned to another term, without release of such excess having been made, it shall be lawful for the plaintiff at any time before the record of such judgment shall be removed into the appellate court, at any future term of the court in which such judgment shall be rendered, to release in open court, any such excess, or he may, in vacation, release the same by deed, under his hand and seal, witnessed by the clerk, or deputy clerk of such court, and filed of record among the papers of the court; and such release, made in either

of the forms aforesaid, shall cure any error of such excess: if the record of any such judgment shall be removed into the appellate court before such release shall be made, it shall be lawful for the defendant in error to make such release as aforesaid in the appellate court, and thereupon the said court, after revising the judgment, shall proceed to give such judgment as the court below ought to have given, if the release had been made or filed therein.

Sec. 134. Any party believing himself aggrieved, by any judgment or decree of the district court, may appeal to the supreme court, from such judgment or decree, during the term of the court at which such judgment or decree was rendered; and no petition, writ or citation, or other proceeding whatever, shall be necessary, other than the appellant's giving notice in open court, of his intention to appeal, which notice shall be entered of record.

Sec. 135. After the trial of any cause, when the party has given notice of appeal, or intends to give such notice, it shall be the duty of the parties respectively, to make out a clear and explicit statement, or bill of the facts given in evidence on the trial of the cause, and to submit the same to the opposite party, or his attorney, for inspection during the term, and if the parties, or their attorneys, agree as to the facts given in evidence, they shall sign and seal the same, and submit it to the judge for approval and signature, who shall also sign it, and the statement so made, shall be filed as a part of the record of the cause; but if on inspection of the statements offered, the parties cannot agree, or the judge do not approve or sign, then they shall submit their respective statements to the judge presiding at the trial, who, from the statements so furnished him, and his own knowledge, shall during the term at which the trial was had, make out a correct and exact statement of the facts of the cause as given in

evidence, they shall sign and seal the same, and submit it to the judge for approval and signature, who shall also sign it, and the statement so made, shall be filed as a part of the record of the cause; but if, on inspection of the statements offered, the parties cannot agree, or the judge do not approve or sign, then they shall submit their respective statements to the judge presiding at the trial, who, from the statements so furnished him, and his own knowledge, shall during the term at which the trial was had, make out a correct and exact statement of the facts of the cause as given in evidence, and shall sign and seal the same, and cause it to be filed in the records of the cause, as a part thereof.

Sec. 136. Any party taking an appeal, shall within twenty days after the term of the court at which the judgment or decree was rendered, enter into bond with two or more sureties, to be approved by the clerk of the court, in double the amount of the debt or damages, or the value of the slaves or other personal property adjudged, conditioned for the prosecution of the appeal with effect, and performing the judgment, sentence or decree of the supreme court in case the decision of the said court shall be against the appellant.

Sec. 137. Where the judgment is rendered for the recovery of lands, the judgment below shall operate as a specific lien upon the lands so recovered; but in such case the appeal bond shall only be required for the costs of suit and damages on appeal.

Sec. 138. In case the party be unable to give the appeal bond required, such party may nevertheless appeal, by giving security for no more than the costs and damages of the appeal; but in that case the judgment of the court below shall operate as a lien upon all the property of the appellant, and the sheriff shall take possession of his personal property, and keep possession of the same, or so much thereof as will be sufficient to

satisfy the judgment of the appellate court, during the pendency of the appeal, unless the appellant should execute a bond, made payable to the appellee, with at least one good and sufficient security, whose solvency is to be judged by the sheriff, conditioned that such personal property shall be forthcoming to be sold in satisfaction, or part satisfaction, of the judgment that may be rendered by the appellate court.

Sec. 139. That when by appeal or otherwise, a case shall be taken from the district court to the supreme court, the clerk of the district court shall immediately make up a full and perfect record of all proceedings in such case, and shall, on application of either party, give to such party an attested copy of such record, with a taxation of all costs that have accrued thereon, and shall endorse on such copy the day on which it was demanded, and the day on which it is delivered, and sign his name, as clerk, thereto; and if, by reason of delay or neglect of any clerk, to give a transcript of the record in any case, the same shall not be filed in the supreme court in due time, or if the record be erroneously or incorrectly made up, so that the supreme court cannot proceed thereon to final judgment, such clerk shall, in either case, upon conviction thereof before any court of competent jurisdiction, be adjudged guilty of a misdemeanor in office, and shall be fined in a sum not exceeding two hundred dollars, to the use of the State.

WRITS OF ERROR.

Sec. 140. The clerks of the several district courts, shall grant writs of error upon any final judgment, order, or decree, rendered in their court upon the petition of any party interested. Upon the filing of any such petition, the clerk shall issue a citation, directed to the sheriff of the county where the opposite party is alleged to reside, together with a copy of the petition, com-

manding him to cite such party to be and appear before the supreme court, at its next term after the citation is issued, and defend said writ; which citation and copy of petition shall be served by the sheriff to whom it is directed, and shall be returned to the court from which it issued; and all citations shall be returnable in thirty days after the issuing thereof, and if the party is a non-resident of the State, or cannot be found, the citation may be served on the attorney of record; if any such citation shall not be served, the clerk shall issue an alias, or pluries citation, forthwith. Upon the return of any such citation served, the clerk shall immediately make out a complete transcript of all the proceedings in the suit upon which the writ is obtained, and also the petition for the writ of error and the citation issued with the return thereon, and deliver it to either party on application, and under the same rules and penalties as provided in case of appeals: no such writ of error shall operate as a supersedeas, nor shall a supersedeas issue with any such writ, until the party obtaining the same shall have filed with the clerk issuing such writ of error his obligation, with good and sufficient security, to be approved by the clerk, payable to the adverse party, in a sum equal to double the value or amount of the judgment, order or decree upon which the writ of error is obtained, conditioned that the party obtaining such writ shall comply with the judgment, order or decree of the supreme court upon such writ, and well and truly pay all such damages as may be awarded against him; which bond shall have the force and effect of a judgment against all the obligors, upon which execution may issue, in case of forfeiture.

Sec. 141. The judges of the supreme or district court only, shall grant writs of error on interlocutory judgments, and always on the same terms and conditions prescribed in the preceding sections for writs of error on final judgments; and in cases where any writ of error shall be

granted by a judge, the clerk shall issue the same citation, and perform the same duties prescribed for him when issued by himself.

Sec. 142. No writ of error shall be granted after the expiration of two years from the rendition of the judgment. Minors, married women, and persons non compos mentis, shall have the same time, or two years, after their respective disabilities are removed.

Sec. 143. That no writ of quia timet, attachment, or any other original writ or process, whereby the property of any citizen of this State be ordered to be seized or taken into custody, shall be issued by any civil officer of this State, or by order of any judge of the same, unless the party applying for such writ or process, shall first make affidavit in writing of the truth of the matter set forth in his or her petition, and shall file in the clerk's office of the court where the same is to be sued out and entered, a bond with good security, and in a sum at least double the value of the property to be seized and taken, or of the debts and damages claimed to be due, conditioned to pay all costs and damages which the party against whom such suit or process may be sued out shall sustain, by reason of the wrongfully and unjustly suing out of the same: Provided, that this section shall not be construed to prevent the issuing of attachments by justices of the peace, under the provisions of any statute authorizing such attachment: And provided also, that it shall not be so construed, as to prevent the issuing of any writ or process, to compel the attendance of defaulting witnesses or jurors in any court or tribunal, to which they may have been legally summoned, or to any writ or process authorized by law in criminal cases.

SEQUESTRATION.

Sec. 144. The judges and clerks of the district court, may grant writs of sequestration, upon pe-

tition, under oath, being presented to them in the following cases: First, when a person sues for the foreclosure of a mortgage, or other lien upon a slave or moveable property of any description, and makes oath that he fears the defendant or person in possession, will injure or ill treat such slave, or waste such moveable property, or remove such slave or moveable property out of the county where it is at that time. Second, when a person sues for the title or possession of a slave, or moveable property of any description, and makes oath that he fears the defendant, or person in possession, will injure or ill treat such slave, or waste such moveable property, or that he will remove such slave or moveable property out of the limits of the State, during the pendency of the suit. Third, when a married woman sues for a divorce, and makes oath that she fears her husband will waste her separate property, or their common property, or the fruits or revenue produced by either, or remove the same out of the limits of the State, during the pendency of the suit. Fourth, when any person sues for the title or possession of real property, and makes oath that he fears that the defendant, or person in possession, may make use of his possession to injure such property, or to waste the fruits or revenue produced by the same, or convert them to his own use. Fifth, when any person sues for the title, or possession of any property from which he has been dispossessed, by force or violence, and shall make oath to such facts.

Sec. 145. No writ of sequestration shall issue, unless the party petitioning for the same shall annex to his petition an affidavit, stating the cause of such application, and shall also file with the clerk of the court from which such writ is sued out, an obligation in favor of the defendant, for a sum equal to double the value of the property to be sequestered, with good and sufficeint security, to be approved by such clerk, conditioned that the plaintiff or person suing out such writ, will

pay to the defendant all such damages as may be awarded against him, in case it shall be decided that such sequestration was wrongfully issued.

Sec. 146. The writ of sequestration shall command the sheriff, or other officer, to take into his possession the property described in the petition, if to be found in the county, and keep the same subject to the future order of the court, unless the defendant, or the person from whose possession such property is taken, shall replevy the same according to law.

Sec. 147. The defendant, whose property has been taken by writ of sequestration, shall have the right to retain the same by delivering to the sheriff or other officer executing said writ, his obligation in favor of the plaintiff, with good and sufficient security, to be approved by the sheriff or officer taking the same, for an amount equal to double the value of the property sequestered, which obligation, if the property sequestered be slaves, or moveable property, shall be conditioned that he will not send away the same out of the county or the limits of the State, according to the affidavit; that he will not make an improper use of them, and that he will have them forthcoming to abide the decision of the court, or that he will pay the value thereof, in case the suit shall be decided against him. If the property sequestered be real property, the condition of said obligation shall be, that he will not injure such property, and that he will faithfully restore the fruits and revenue produced by the same, or pay their value in case he shall be condemned so to do. Such obligation shall be returned to the court with the writ, and in case the suit is decided in favor of the party who sued out the sequestration, judgment shall be rendered against all the obligors in such bond, jointly and severally.

Sec. 148. The sheriff or other officer, while he retains possession of sequestered property, shall take care of and manage the same in a prudent manner; he may confide the same to the care of

other persons, but he shall be responsible for their acts, and he shall be responsible to the party injured for any neglect or mismanagement by himself or those to whom he has confided the care and management of such property; and he shall be entitled to receive a just compensation and all reasonable expenses therefor, to be determined by the court, and paid out of the proceeds of the property sequestered, if judgment be given in favor of the party at whose instance the same was sequestered; but if against such party, then to be paid by him.

INJUNCTION.

Sec. 149. Be it further enacted, That all petitions for injunction and answers thereto, shall be verified by the oath or affirmation of the party filing the same.

Sec. 150. Be it further enacted, That no injunction shall be granted to stay any judgment or proceedings at law, except for so much of the recovery or cause of action as the complainant shall in his petition show himself equitably entitled to be relieved against, and so much as will cover the costs.

Sec. 151. Be it further enacted, That no injunction to stay an execution, shall be granted, but within six months after the judgment is obtained, unless it shall appear from the oath of the complainant or complainants, to the judge applied to, that such application has been delayed in consequence of the fraud or false promises of the plaintiff in the judgment, practised or made at the time of or after obtaining the judgment, or unless it shall appear, on oath, that the complainant or complainants was or were out of the State at the time of entering up judgment, so that application could not be made within the time aforesaid, in which cases injunctions may be granted at any time within two years, but not after.

Sec. 152. Be it further enacted, That writs of

injunction, granted by any judge of the supreme or district court, if to stay proceedings in a suit, or execution on a judgment, shall be returnable to and tried in the district court of the county where the suit is pending, or the judgment was rendered; writs of injunction for other causes, where the defendant is an inhabitant of the State, shall be returnable to and tried in the district court of the county where the defendant, or if there be more than one, where either of the defendants has his domicile.

Sec. 153. Be it further enacted, That no injunction writ shall be issued in any case, until the complainant execute a bond to the adverse party, with good and sufficient security, in such sum as the judge granting the same shall deem sufficient to secure the amount or matter to be enjoined, and all damages and costs that may be occasioned by such injunction; conditioned that the complainant will abide the decision which may be made therein, and that he will pay all sums of money and costs that may be adjudged against him, if the injunction be dissolved either in whole or in part. The amount of such bond required, shall be stated by the judge, in his order granting the injunction, and the bond shall be taken and the security approved, by the clerk issuing the injunction, who shall file said bond with the petition.

Sec. 154. Be it further enacted, That upon the dissolution of an injunction either in whole, or in part, when the collection of money has been enjoined, if the court be satisfied that the injunction was obtained only for delay, damages thereon shall be assessed by the court at ten per cent. on the amount released by the dissolution of the injunction, exclusive of costs, and in all other cases the damages shall be assessed by a jury sworn for that purpose; if neither party require a jury, the damages may be assessed by the court.

Sec. 155. Be it further enacted, That the court shall enter an interlocutory judgment or a decree.

according to the circumstances of the case, including the damages assessed as aforesaid, against the principal and sureties in the injunction bond, and may award execution thereon, or enforce such decree, in such manner as may be proper, according to the rules and practice of the court.

Sec. 156. Be it further enacted, That upon the dissolution of any injunction restraining the collection of money by an interlocutory order of the court, if after such interlocutory order of dissolution, the petition shall be continued over for trial, or hearing, as an original petition or suit, it shall be the duty of the court, before whom such case is pending, to require of the defendant or defendants, bond and security, payable to the complainant or complainants, in double the amount of the sum enjoined, conditioned to refund to the complainant or complainants, the amount of money, interest and costs which may be collected of him or them in the suit or proceeding enjoined, in the event of such injunction being made perpetual, on final hearing.

Sec. 157. Be it further enacted, That on any bond and security taken in pursuance of the preceding section, in the event of the injunction being perpetuated, on final hearing the court may, on motion of the complainant or complainants, enter up judgment against the principal and sureties for such amount as may be shown to have been collected from or paid by him or them.

Sec. 158. All laws and parts of laws authorizing parties to propound interrogatories to each other, and authorizing writs of sequestration to be issued, are hereby repealed, and the following acts are also hereby repealed:

An act establishing the jurisdiction and powers of the district court, approved December 22, 1836; an act amending the judiciary laws of the Republic, approved December 18th, 1837; an act to provide for taking testimony by interrogatories, approved December 18, 1837; an act respecting the abatement of suits, approved May

24, 1838; an act to regulate the proceedings in civil suits, approved February 5, 1840; an act to regulate the granting and trial of injunctions, and to empower the judges of the district court to submit issues of fact to a jury in chancery cases, approved 25th January, 1841; an act to amend the act which provides the mode of taking testimony by interrogatories, to provide a mode for taking depositions, approved 9th January, 1841; an act to regulate bills of exceptions, approved January 28, 1841; an act to prescribe the the mode of serving process and notice in certain cases, approved 3d February, 1844; an act to prescribe the duties of district judges, in regard to charging juries, approved February 5th, 1844; and the 19th section of an act of limitations, approved 25th January, 1841, is also hereby repealed.

Approved, 13th May, A. D. 1846.

PRIVATE LAWS.

AN ACT

To Legalize the Marriage of Samuel M. Parry with Elizabeth Neese, and Legitimizing certain Children therein named, the issue of said Marriage.

Section 1. Be it enacted by the Legislature of the State of Texas, That the rights of matrimony heretofore celebrated between Samuel M. Parry and Elizabeth Neese, be, and the same are hereby declared to be valid in law, as though at the time of the celebration of said marriage no legal disability existed thereto.

Sec. 2. Be it further enacted, That the following named children, the issue of said marriage, to wit: Samuel, Mary, Catharine, Rosand, John, William, David and Martha, be, and they are hereby declared the lawful heirs of the said Samuel M. Parry and Elizabeth Neese his wife, any legal disability existing at the time of their birth to the contrary notwithstanding.

Sec. 3. Be it further enacted, That this act take effect from and after its passage.

Approved, 4th April, A. D. 1846.

JOINT RESOLUTION

Granting the Honorable John Hemphill, Chief Justice of the Supreme Court, leave of absence from the State.

Section 1. Be it resolved by the Legislature of the State of Texas, That John Hemphill, chief justice of the supreme

court, shall have leave of absence from this State from the month of May until the first Monday of November next, or until the commencement of the fall session of the supreme court.

Approved, 27th April, 1846.

AN ACT

For the Relief of James Gilliam, assignee of Jesse Billingsly.

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office be, and he is hereby required to issue a patent to James Gilliam, as assignee of Jesse Billingsly, upon a certificate for one league of land, issued to said Jesse Billingsly by the board of land commissioners of Bastrop county, under the provisions of "an act making provisions for persons who have been permanently disabled in the service of Texas," approved December 18th, 1837.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

Approved, 27th April, A. D. 1846.

JOINT RESOLUTION

To authorize E. G. Rector to sell and transfer his six hundred and forty acres of Donation Land, to which he is entitled for having participated in the Battle of San Jacinto.

Section 1. Be it resolved by the Legislature of the State of Texas, That E. G. Rector be, and he is hereby authorized to sell and transfer his six hundred and forty acres of donation land, to which he is entitled for having participated in the battle of San Jacinto, on the 20th of April, 1836, and that this act take effect and be in force from and after its passage.

Approved, 29th April, A. D. 1846.

AN ACT

For the relief of John Karner.

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office, be, and he is hereby required to issue a patent to John Karner for one-third of a league of land, the same being his head right, which was not recommended by the traveling board of land commissioners.

Sec. 2. Be it further enacted, That this act take effect and be in force from and after its passage.

Approved, 7th May, A. D. 1846.

AN ACT

To authorize the Commissioner of the General Land Office to issue a Patent to Joseph McGee.

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office be, and he is hereby authorized and required, to issue a patent on certificate number two hundred and forty, as issued by the board of land commissioners for Jasper county, on the 10th day of January, A. D. 1840, to Joseph McGee, a native born citizen, for three thousand one hundred and twenty-nine (3129) acres, instead of three hundred and sixty-nine, (369,) it being the remainedr of said McGee's headright league and labor of land.

Sec. 2. Be it further enacted, That this act be in force from and after its passage.

Approved, 7th May, A. D. 1846.

JOINT RESOLUTION

For the relief of Charles B. Snow.

Section 1. Be it resolved by the Legislature of the State of Texas, That the comptroller of public accounts is hereby required to respect the claim of Charles B. Snow, late lieutenant of the navy, of Texas, for the sum of eight hundred and sixteen dollars, the amount to which he was entitled under the act of congress, approved 5th February, A. D. 1844, entitled "an act making appropriation for part pay of officers and seamen of the navy."

Sec. 2. Be it further resolved, That the comptroller shall issue certificates to the said Charles B. Snow, in amounts of not less than twenty dollars, which may be transferred by said Snow, and shall be receivable in the hands of any person for direct taxes due the Government, previous to the first of January, 1846.

Sec. 3. Be it further resolved, That this joint resolution take effect from and after its passage.

Vetoed by the Governor, and passed by a constitutional majority, May 9th, 1846.

AN ACT

For the relief of Thomas Anderson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required, to correct the field notes of league No. 17, granted to Thomas Anderson, in accordance with the intention of the survey, as evidenced by the plat or diagram, and to make a note of such corrections on the original title on file in his office: Provided, that nothing herein contained shall prejudice the rights of third persons.

Sec. 2. Be it further enacted, That this act take effect from and after its passage.

Approved, 11th May, A. D. 1846.

JOINT RESOLUTION

For the relief of the heirs of John G. Welchmeyer.

Whereas, the board of land commissioners for the county of Harrisburg, having issued to John G. Welchmeyer his headright certificate for one league and labor of land, and whereas the board of traveling commissioners having rejected the same upon the ground that the former husband of the wife of the said John G. Welchmeyer having drawn the same quantity of land, and whereas the constitution of the Republic of Texas plainly and expressly declares that every head of a family shall be entitled to one league and one labor of land, and that the said J. G. Welchmeyer, by virtue of his marriage is, in the language of the constitution, the head of a family, and in order to protect and secure to the heirs their constitutional rights, Therefore,

Section 1. Be it resolved by the Legislature of the State of Texas, That the commissioner of the general land office be, and he is hereby authorized and required, to issue to the heirs of John G. Welchmeyer the headright certificate of the said Welchmeyer, for one league and labor of land.

Sec. 2. Be it further resolved, That this resolution take effect from and after its passage.

Approved, 11th May, 1846.

AN ACT

For the relief of Andrew J. Yates.

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office be, and he is hereby required to respect as valid, land certificate No. 641, issued by the board of land commissioners for Bexar county, to Andrew J. Yates, assignee of Juan Francisco Bueno, upon the presentation and file in his office of a certified copy of the decree of the district court of Bexar county, bearing date 19th day of April, 1839, ordering the

issuing of said certificate, and issue patent thereon as in other cases.

Sec. 2. Be it further enacted, That this act be in force and take effect from and after its passage.

Approved, 12th May, A. D. 1846.

JOINT RESOLUTION

Requiring the Comptroller of the State of Texas to settle certain accounts.

Section 1. Be it resolved by the Legislature of the State of Texas, That the comptroller be, and he is hereby required to settle the accounts of E. W. Moore, post captain, commanding the late navy of Texas, for disbursements of money received from the Government of Yucatan, and for supplies of provisions and stores furnished the navy, while in active service, in command of the maritime force of the Republic, as well as all the accounts for monies received by him from the Government of Texas and other sources, and report his action to the next legislature of the State for their final ratification.

Sec. 2. Be it further resolved, That this joint resolution take effect from and after its passage.

Approved, 13th May, A. D. 1846.

AN ACT

For the relief of Nathaniel Amory.

Whereas, drafts of fifty dollars each, receivable in payment of direct taxes, were issued to Nathaniel Amory in conformity with an act of Congress, approved January 27, 1845; and whereas, all of the said drafts, except twelve, have been returned to the treasury for taxes; and whereas, proof has been produced that ten of the aforesaid twelve were stolen from the agent of the said Amory; Therefore,

Be it enacted by the Legislature of the State of Texas, That the comptroller of public accounts be authorized and required to give public notice, that if the said stolen drafts be not returned to the treasury of this State, or reported to the said comptroller by the holders of the same, within ninety days from and after the date of such notice, the said ten stolen drafts or the portion of same unreturned, or unreported, shall be considered as cancelled, and that the same shall not be thereafter received in payment of any public dues; and moreover, that the comptroller be authorized after the expiration of said term of notice, to issue to said Nathaniel Amory drafts for the amount of the unreturned or unreported portion of said ten stolen drafts, which new drafts so issued, shall be receivable for any dues in payment of which those in place of which they are issued, would have been valid: Provided, however, that if any of said stolen drafts should have been or should be received by any collector of taxes in payment of the same, before the aforesaid term of notice shall have expired, such drafts, so received, shall be receivable into the treasury of the State on satisfactory proof of the time of their collection being made to the comptroller of public accounts; And provided also, that the drafts which may be issued by the comptroller, according to the provisions of this act, shall be receivable for taxes and dues to the late Republic of Texas, and not otherwise.

Passed, 15th May, 1846.

AN ACT

For the relief of Milton Hicks.

Section 1. Be it enacted by the Legislature of the State of Texas, That the land certificate No. 718, issued by the board of land commissioners of Brazoria county, in favor of Milton Hicks, for one league of land, signed by Edwin Waller, president, and A. C. Hyde, associate commissioner, be, and the same is hereby legalized, and the same be as valid as if recommended by the traveling board of land commissioners.

Sec. 2. Be it further enacted, That the certificate may be laid on any vacant and unappropriated land in this State,

and the commissioner of the general land office is hereby directed to issue a patent for such land, when located, as in other cases of valid claims.

Passed, 18th May, A. D. 1846.

OFFICE OF SECRETARY OF STATE.

I, the undersigned, Secretary of State of the State of Texas, do certify, that the first Legislature of the State aforesaid commenced its session at the city of Austin, on Monday, the 16th day of February, 1846, and adjourned on the 13th day of May, A. D. one thousand eight hundred and forty-six.

Given under my hand and seal of Office, at Austin,
[L. s.] the 10th day of August, A. D. one thousand eight hundred and forty-six.

DAVID G. BURNET.

NOTE 1. All the words, wherever they occur, included in brackets, thus: [* * * * * ?] are inserted by direction of the Secretary of State, and are not in the text.

NOTE 2. Those laws that were signed by the Governor are designated by the word "Approved"—those not signed by him, are said to be "Passed."

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